BENGAL SECRETARIAT

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1878.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1879.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1878.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 221, dated the 20th September 1879.

READ—

Report on the Administration of Civil Justice in British Burma for 1878.

RESOLUTION.—In 1878 a larger number of suits was instituted in the province, and the average value of the suits was greater than in the previous or in any preceding year. The total number of regular suits instituted was 34,069, as compared with 31,773 in 1877; and the number of cases disposed of rose from 31,563 in 1877 to 33,846 in 1878. The average value of the suits decided in 1877 was Rs. 96, while that of those disposed of in 1878 was Rs. 105. There was a decrease in the number of suits instituted in the Court of Small Causes, Rangoon, and in the Courts of the Akyab, Mergui, and Salween districts, but in every other district the civil work increased. The average duration of original suits throughout the province was 10·4 days, as compared with 10 days in 1877. The number pending at the end of the year was 713, as compared with 503 pending at its commencement.

2. The average number of days during which each contested case lasted in the various classes of Courts in the years 1877 and 1878 respectively is shewn in the following table :—

Name of court.	1877.	1878.
Court of the Recorder	58·5	60·5
Chief Courts of districts	21·8	44
Courts of Subordinate Judges	10·9	9·9
Do. Small Causes...	15·4	17·4
Total of the Province ...	12·4	11·9

The decrease of one day in the average duration of contested cases in the Courts of Subordinate Judges has thus, through the greater number of these Courts, more than counterbalanced the increase which has occurred in every other class of Court. The increased duration of cases in the Courts of Small Causes was no doubt due to the greater distances that processes were in some cases sent for service in consequence of the extended powers of these Courts which may now, under section 17 of the Code, try suits where the cause of action arose within the local limits of their jurisdiction, whether or not the defendant at the time of the commencement of the suit carry on business or work for gain within those limits. The increase in the average duration of cases in the Deputy Commissioners'

Courts from 21·8 to 44 days is very marked, and some explanation should have been offered of it.

3. The number of applications for execution of decree for disposal in 1878 cannot be exactly stated, as the figures given by the Judicial Commissioner in different parts of the report are inconsistent, and in some cases obviously inaccurate. The figures on page xvi. of the appendix differ throughout from those given on pages 15 and 16 of the report, and it is impossible to say which are correct. The practise of supplementing the returns required by the Government of India with tabular statements in the body of the report was commented on by the Chief Commissioner in reviewing the report for 1876. In the present year, as in 1876, the figures in the appendix and in body of the report frequently do not correspond* and confusion and uncertainty result. It would be more satisfactory if the prescribed returns were prepared with accuracy and the supplementary statements omitted altogether. So far as can be judged, the execution of decrees was on the whole more successful in 1878 than in 1877.

4. The number of judgment-debtors imprisoned in execution of decree was 1,180,—an increase of no less than 72·5 per cent. on the number arrested in the previous year. The number of persons who applied to be declared insolvents under Chapter XX. of the Code of Civil Procedure is not stated in the report. This is an omission which might with advantage be remedied in future years. The number of sales of moveable property in execution of decree fell from 950 in 1877 to 776 in 1878, and that of sales of immoveable property from 576 in the former to 514 in the latter year.

5. There were 1,864 appeals from subordinate Courts to the Chief Courts of districts for disposal in 1878. Of these, 1,744 were decided, with the result that the decree of the lower Court was upheld in 61·8 per cent., modified in 8·6 per cent., and reversed in 25·2 per cent.; while in three per cent. of the cases the suit was remanded for further evidence. The remaining 1·4 per cent. of the appeals were either transferred or dismissed. The appeals from subordinate Courts were less numerous, but more successful, in the previous year, when 1,470 appeals were heard, and only 57·8 per cent. of the appealed decrees were confirmed. The average duration of the appeals varied from 36·5 days in the Court of the Deputy Commissioner, Thonkwa, to six days in that of the Assistant Commissioner, Salween.

There were 144 appeals for disposal in the Court of the Judicial Commissioner, of which 87 were heard. The decree of the lower Court was upheld in 56 cases, or 64·4 per cent. In the previous year 96 appeals were heard by the Judicial Commissioner, and the decree of the lower Court was upheld in 51 cases, or 53·1 per cent.

In the Special Court eight regular appeals, three miscellaneous appeals, and four references were disposed of. In five of the regular appeals, the decree of the lower Court was confirmed, in one it was modified, and in two it was reversed.

6. In the Court of the Recorder there were altogether 524 suits for disposal, as compared with 556 suits for disposal in 1877. Four hundred and seventy-eight cases were disposed of, and 46 were pending at the end of the year. The decrease in the number of cases occurred among the miscellaneous suits, and was due to changes of procedure introduced by the new Code. Regular suits increased both in number and value. The extension of the Hindu Wills Act to this province, advocated by the Recorder in the twelfth paragraph of his report, has already been recommended to the Government of India, and a Bill to provide for granting probate of the wills and administration of the estates of persons at present exempted from the Succession Act is now under consideration.

7. In the eighteenth paragraph of his report, the Recorder has again called attention to the present constitution of the Court of Small Causes in Rangoon. The subject has already been brought to the notice of the Government of India,

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* *Cf.* Statement on page 2 with those on pages iii. and v. of the appendix.
Ditto on „ 10 with those on page 12 and page xii. do.
Ditto on „ 13 with those on „ xiii. of the appendix.
Ditto on „ 15 with those on „ xvi. do.
Ditto on „ 16 with those on „ xvi. do.

and on the retirement of the Second Judge, which will probably occur in the early part of next year, proposals will be submitted for a revised constitution of the Court. The number of suits instituted in the Small Cause Courts of Rangoon fell from 8,645 in 1877 to 8,133 in 1878, but the average value of the suits rose from Rs. 92 to Rs. 94. These slight variations do not call for particular remark. With respect to the statement that the Burmese would use the Court of the Second Judge more than they do were it not for the number of references to arbitration which their head men induce them to make, it would be satisfactory to learn whether the provisions of the stamp law are observed in these cases, as it is understood that in the mofussil considerable irregularities are wont to occur in such matters. The suggestion contained in the thirty-fourth paragraph of the Recorder's report, that the provisions of Chapter XX. of the Code of Civil Procedure should be extended to the Court of the Judge of Small Causes in Rangoon, has since been adopted.

8. In the Chief Commissioner's resolution on last year's report, a fear was expressed that the Burmese ryots might in time be ousted by the brokers and Madras money-lenders, and the necessity of guarding against such a consummation was pointed out. In his present report the Judicial Commissioner has dealt further with this subject. He points out that the number of suits for immoveable property has increased by nearly 49 per cent. in the year under review, and that an increase in suits of this nature has occurred in every district of the province, except Shwe-gyeen and Kyouk-phyoo. It is satisfactory to learn that Mr. Crosthwaite sees no cause for alarm in the increase in suits of this class, which he attributes solely to the increasing value of land. He thinks it possible, however, that an unfair advantage may sometimes be taken of the ignorant cultivator by professional money-lenders or others, in consequence of the present state of the law with regard to mortgages by way of conditional sale; and he suggests that certain of the provisions of the Bengal Regulations I. of 1798 and XVII. of 1806 relating to foreclosure might with advantage be extended to this province. The Judicial Commissioner will be invited to submit definite proposals on this subject for the Chief Commissioner's consideration.

9. In the Arakan Hill Tracts district the number of civil suits continues to decrease. The number disposed of in 1876 was 119, in 1877 it was 64, and in 1878 it was 49 only. The decrease is due to the fact that such cases are now as often as possible relegated to chiefs of clans for arbitration. The propriety of this course has formed the subject of correspondence during the year under review. The Civil Justice Regulation of 1874 provides for the decision of all cases regarding succession, inheritance, marriage, caste, or any religious usage or institution with the aid of assessors, and there does not therefore appear to be much necessity for arbitration in such cases outside the provisions of the law. With regard to other cases, it is to be remembered that the awards of arbitrators would not have the force of law, and would not bar the person who lost from bringing a regular suit to try again the same question. Of the 49 cases for disposal during the year, only seven were contested, the remainder being decreed on confession, compromised, or dismissed for default. With litigation of so simple a character, the advantage of having recourse to arbitration is not very apparent, and one probable result would be the increase of cost to suitors, and pressure on the part of the chiefs to induce the people to employ services for which they would obtain remuneration, as in Rangoon the Burmese are said to be prevented from resorting to the Courts by the loogyees or principal men, "who constitute themselves arbitrators, and exact large fees for deciding disputes." It is well known that arbitration in Burma is a most unsatisfactory kind of procedure, and with the growing popularity of the Courts in the province generally, as evidenced by the increase in the number of suits of small value, any retrograde measure in the direction of encouragement of arbitration is to be deprecated.

10. In conclusion the Chief Commissioner is glad to notice that the statistics of the province for the year 1878, as compared with those of the previous year, appear to indicate an increased efficiency in the administration of civil justice. Contested suits have been decided with greater promptitude, the execution of decrees, so far as the inaccurate returns afford data for judging, has been more

successful, and the proportion of cases in which decrees have been modified or reversed by the Appellate Court has been less than in 1877. But there is still much room for improvement, especially in the subordinate Courts, and the suggestion made in reviewing the Criminal Justice Report, that District Officers might be required to examine a greater proportion than at present of the cases tried by their subordinates, applies equally to the cases tried on the civil side, although in disposing of appeals District Judges have considerable opportunities of counselling and instructing the lower Courts. The Chief Commissioner's acknowledgments are due to Mr. Wilkinson and Mr. Crosthwaite for the present report, and to these officers as well as to Mr. Sandford and Mr. Jardine for the zeal and efficiency with which they have performed their many important duties throughout the year.

By order of the Chief Commissioner,

G. D. BURGESS,

Officiating Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For 1878.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1878 there were 14 appeals from the decision of the Judge of the Town of Moulmein, and one from the decree of the Commissioner of Tenasserim, made to the Judicial Commissioner's Court which that Court transferred to this for disposal. These and the two pending at the close of the year 1877 made in all 17 appeals for disposal, of which eight were disposed of and nine were pending at the close of the year 1878. In the previous year, 12 appeals were filed and 11 disposed of.

2. The following is a comparative table shewing results of the two past years :—

Year.	Number of appeals pending.	Number of appeals instituted.	Number of appeals disposed of.	Rejected.	Confirmed.	Modified.	Reversed.	Pending.
1877	1	12	11	3	4	2	2	2
1878	2	15	8	..	5	1	2	9

3. In addition to the civil regular appeals which are shewn in the above table, there were three civil miscellaneous appeals from the orders of the Judge of the Town of Moulmein, one of which was rejected, one reversed, and one confirmed.

4. There were four references on points of law made to this Court under section 76 of the Burma Courts Act, 1875, by the Judicial Commissioner.

C. J. WILKINSON,

R. J. CROSTHWAITE,

Judges of the Special Court, British Burma

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Civil Justice in the Courts of the Recorder and Small Causes, Rangoon, for the year 1878.

During the year 1878, 202 regular suits (including one matrimonial and two admiralty and 39 insolvency) and 250 miscellaneous suits were instituted; and there were pending, at the close of the year 1877, 19 regular, one admiralty, three insolvency, and 10 miscellaneous suits, making a total of 524 suits for disposal. Of these, 204 regular, 29 insolvency, and 245 miscellaneous were disposed of, as against 198 regular, eight insolvency, and 332 miscellaneous suits in the previous year. At the close of the year 1878, 18 regular (including one matrimonial, 13 insolvency, and 15 miscellaneous) suits were pending. Of the 18 regular suits pending, none were ready for disposal before the close of the year, as summonses in some cases had not been served; in others, the commissions issued to examine witnesses residing in the Madras and Bombay presidencies had not been returned; one was postponed *sine die* to await the result of the defendant's application for the benefit of the Insolvent Act; whilst others were filed but a few days before the Court closed.

2. The total value of suits instituted in 1878 was Rs. 6,38,820; and the value of Court fee stamps realized was Rs. 45,824. The value of suits disposed of was Rs. 5,71,550-0-9. In the previous year, the value of suits instituted was Rs. 4,00,281, including the admiralty suits; and the Court fee stamps amounted to Rs. 24,110. The value of suits disposed of was Rs. 3,56,688.

3. The subjoined table shews the above particulars in comparison with the year 1877:—

Year	Number of suits instituted						Number of suits disposed of						Number of suits pending.						Value of suits instituted during the year.	Value of Court fee stamps realized.	Value of suits disposed of
	Regular.	Matrimonial.	Admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Admiralty.	Insolvency	Miscellaneous.	Total.	Regular.	Matrimonial.	Admiralty	Insolvency.	Miscellaneous.	Total.			
																			Rs.	Rs.	Rs.
1877 .	179	..	4	11	331	525	195		3	8	332	538	19		1	3	10	33	4,00,281	24,110	3,56,688
1878 ...	199	1	2	39	250	491	201		3	29	245	477	17	1	...	13	15	46	6,38,820	45,824	5,71,550
Increase	20	1	..	28	..		6		..	21	...	...	...	1	..	10	5	13	2,38,539	21,714	2,14,862
Decrease	..	.	2	...	81	34	...	...	...	...	87	61	2	..		..		...		...	

This table shews a considerable increase in the important business of the Court during the last year as compared with 1877; for not only have the regular suits increased, but the value of those instituted is greater by over 50 per cent.; whilst the increase of revenue from Court fee stamps is such that, for the first time since the Recorder's Court and the Court of Small Causes were separated, there is an excess of income over expenditure. There is certainly a decrease in the total number of suits; but that arises in the miscellaneous cases, which are unimportant so far as they effect the amount of work devolving on the Court (for many are only mere matters of course) or its revenue. The value of the suits disposed of during the year is likewise proportionately larger.

4. The average duration of cases is higher than in the previous year, not however so much in the case of contested cases, where it was 60½ days, as against 58 days, as in the uncontested, which was 42¾ days, against 23 days. This is a return on which I place no importance, for it is perfectly useless as an indicator of the Court's diligence in disposing of the cases before it. It is impossible that that can be measured merely by adding the aggregate duration of the number of cases disposed of in the year without any reference or regard to their different nature, class, or description, and dividing the total number of days they have been on the file of the Court by the number of the suits, and calling that the average duration of cases for the year. Such a plan might to some extent answer with Courts of Small Causes and other petty Courts whose jurisdiction is local and the nature or value of suits is limited; but in a Court like the Recorder's, which has several jurisdictions, and has to adjudicate upon cases where one or other of the parties is frequently in a foreign or distant country, it is absolutely misleading. The result of requiring such a return to be given, although perhaps it checks dilatoriness and procrastination on the part of subordinate Judges, is to create a tendency in them to sacrifice completeness

and carefulness in the discharge of their work to expedition, so that they may shew low averages at the end of the year. Whilst the return is called for, it is necessary to give some explanation for a rise or fall in the apparent duration of suits. I therefore do so here more in compliance with the rule requiring the return than in vindication of the way I administer justice, or because there has been any delay, so far as the Court is concerned, in disposing of suits.

5. Generally, there is a considerable difference in the average of contested and uncontested cases, as the latter are usually simple in character and can be disposed of in a space of time but little more than is required for the return of the summonses, which do not take many days to serve when the defendants are resident within the local limits of the Court's jurisdiction. But last year, many summonses, both in contested and uncontested suits, had to be sent for service to the Madras presidency, and delays took place in serving them, arising frequently from the carelessness of the plaintiffs in not giving the defendant's name with sufficient accuracy, or from merely stating in the plaint the district, instead of the village, where the defendant resides; or from their taking no trouble to get the summonses quickly served, by affording the process-servers any assistance in pointing out the persons to be served. Several summonses have been returned to the Court unserved from these causes, and, as fresh ones were applied for, several months' delay in disposing of the suits was the consequence. In one suit the summonses were returned three times, and it took over six months to effect service, and then, when that was done, a commission had to issue to examine witnesses in Tanjore and Negapatam, which has not been returned executed yet, although more than six months have elapsed since it was issued. To prevent delay arising when commissions were issued to India or elsewhere, I used to fix a day on or before which it was to be returned. This resulted in their sometimes coming back unexecuted, because the Courts to which they had been sent were unable to execute them within the time specified. The consequence was, a fresh commission would have to be sent. To avoid this, I then made the commissions returnable "at the earliest convenience of the Court" to which they were directed; but this results in even greater delay, for, if the commission is the defendant's, he has no interest in hastening its execution; or the Court does not hurry itself, unless one of the parties to the suit urges it on. There were 23 such cases last year, which took from 51 to 135 days before they could be heard; and of the uncontested suits, 13 were filed just before the commencement of the vacation, and were not disposed of for some time after the opening of the Court in consequence of the criminal sessions lasting over three weeks. Under the circumstances I have mentioned, I consider an average of nine weeks for contested cases and six weeks for those that are uncontested is a very moderate duration.

6. The longest time a case was on the file at the close of the year was 10 months and 20 days, and is the one I have alluded to in the preceding paragraph as not yet disposed of.

7. During the year there were three new trials of cases already disposed of.

8. The following table shews the description and number of miscellaneous cases filed during the year in comparison with the previous year:—

	1877.	1878.
References from Small Cause Court	6	2
Applications for letters-of-administration and probate	36	38
Ditto removal of attachments	16	12
Ditto review of judgment	1	..
Ditto new trials	2	3
Ditto to be allowed to sue *in formâ pauperis*	6	9
Ditto discharge from jail	8	2
Ditto orders to Small Cause Court to entertain suits when one of the defendants resides out of the jurisdiction	22	..
Application for license to practice as Advocate of Court subordinate to Recorder	7	4
Ditto to appoint guardian of minor's property, under Act XL. of 1858	..	1
Ditto to call for records of Small Cause Court as a Court of Revision	..	2
Ditto to transfer decrees to other Courts for execution	..	9
Ditto for revival of decrees	..	3
Decrees received by transfer for execution	55	31
Application for execution of decrees	71	93
Processes forwarded by other Courts for service	44	15
Applications for leave to appeal to Privy Council	4	..
Other miscellaneous cases	53	26

9. The decrease in the miscellaneous cases is accounted for by the change of procedure made by the new Code. In the previous year, 22 applications for orders to the Court of Small Causes to entertain suits, when one or more of the defendants resided out of its jurisdiction, were made; whilst in the year under review only nine were made, for, under section 1 of the new Procedure Code, such suits may be entertained by a Court of Small

Causes. Again, in 1877 there were 44 summonses received from Courts in India, for service on defendants within the Recorder's jurisdiction, and only 15 were received in 1878, for, by section 86 of the Code, processes issued by any Court beyond the limits of the towns of Calcutta, Madras, Bombay, and Rangoon, for service within the local limits of the superior Courts of these towns, are to be sent to the Court of Small Causes, there to be served. Many such summonses were sent to this Court by the district Courts of the Madras presidency, and were returned unserved, and the above section pointed out. The diminution in the number of decrees received by transfer is also attributable to the operation of section 223. In the previous year, 55 such decrees were received, and only 31 in the present year.

10. The following table shews the classes to whose estates probates and letters-of-administration were granted, and the value of the estates :—

Class.	Number of probates granted.	Number of letters granted.	Value of estates.
			Rs.
Europeans and Eurasians	5	7	1,35,125
Buddhists { Burmese	..	8	25,000
Buddhists { Chinese	2	1	1,35,400
Hindoos	2	6	29,389
Mahomedans	3	3	4,78,700
Total ..	12	20	8,03,564

11. In the year 1877, there were 29 probates and letters-of-administration granted; and the value of the estates was Rs. 2,59,230, and of the Court fee stamps Rs. 3,669.

12. The most remarkable feature in the above table is that, out of property valued at a little over eight lakhs of rupees, Court fees were voluntarily paid on upwards of six-and-a-half lakhs, at the rate of two per cent., by Buddhists, Hindus, and Mahomedans, who are exempt from the operation of the Succession Act. But so highly do they esteem the advantage of getting probate of wills or grants of letters-of-administration, that they readily pay the Court fees to obtain them. They regard them as affording greater security to the properties to which they relate; and they have learnt, by connection with Europeans, their real advantages in dealing with the estates of deceased persons, both when disposing of them for the purposes of distribution, as well as when suits have to be brought or defended in relation to such estates. A wealthy Mahomedan merchant died last year, leaving his property by will strictly according to Mahomedan law, so that it was not necessary, except as regards the charitable bequests he made, to have made any disposition of his property; yet he made a formal will and appointed executors, who subsequently proved the will, and willingly paid Rs. 6,120 Court fees to obtain the probate. This is no isolated case, for, during the five years I have presided in the Court, I have found the same readiness, and that the majority of the probates and letters-of-administration taken out are in respect to the wills and estates of Hindus, Mahomedans, and Buddhists. The same readiness on the part of these races in this respect was observable in Moulmein, where probates and letters were granted by the Court, until the Special Court last year decided that it had no jurisdiction to grant them; and the cessation of the privilege is regarded by the native community in the light of a hardship, for they had been even longer accustomed to the procedure than the same people in Rangoon. If a proof were wanted of the expediency at least of extending the Hindu Wills Act to this province, as has been proposed by the Legislative Department, it is found here. For my own part, so great a value do I put on the procedure as tending to increase the value of property, by making the title thereto more readily ascertainable and its transfer more easy—besides there being no valid reason why these excepted classes should not pay the same tax on succession to property as the European community has to do—that I would make it imperative on them, at least in the seaport and larger towns of the province, to take out representation, or be debarred from establishing their right as an executor or legatee, or to any intestate property, as Europeans are under sections 187 and 190 of the Succession Act, until a grant of probate has been made or letters-of-administration granted. Such a law would in no manner interfere with their respective laws of inheritance; for a will would give no more than their law permitted, and grants of administration would merely clothe the nearest or most eligible of the intestate's relatives with a representative capacity, so as to get in and distribute the property according to the law of the intestate. The objections which are so frequently made to the application of this procedure to the estates of the excepted classes, I think, for the most part have their origin in an unseasoned dislike to apply anything savouring of English law to our fellow-subjects in the East; and it is said to be inappropriate more from non-acquaintance with the system and its beneficial results than because it is understood. The kind of objections I have only met with are,—that the people are not acquainted with it, that they have hitherto done with-

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out it, or that they dont want it. But these are objections which should carry little weight, for, if they had been allowed to prevail in other cases, no change or improvement would have been possible in the country, and things would have remained in their primitive and archaic state. It is conceivable to improve native laws so as to bring them up to the necessities of the times, and even to reform them with due regard to the principles on which they rest without exposing ourselves to the charge of destroying or revolutionizing them. I would therefore gladly see the Hindu Wills Act applied to this province, and recommend that it be extended, as well as the procedure sections of the Succession Act, to Mahomedans and Buddhists.

13. The following table shews the Court fees realized under the different schedules of the Court Fees Act :—

Process fees.	Under Schedule I., articles 1 to 9 of the Court Fees Act.	Under Schedule I., articles 10 to 12,— probates and letters.	Schedule II.	Total.
Rs.	Rs. A. P.	Rs.	Rs.	Rs. A. P.
1,804	28,001-3-0	15,141	877	45,823-3-0

14. There were no appeals preferred from decrees or orders of the Recorder's Court during the year. The two appeals and cross-appeals which were preferred to the Privy Council in 1877 were decided during the year under review. The result of one appeal was to modify the decree of this Court, by reducing the amount decreed ; and of the other, to reverse the decree, by dismissing the suit. The cross-appeals were dismissed. Of the two appeals to the High Court at Fort William pending at the close of the year 1877, one only has since been decided, confirming the decree of the Court ; the other is still pending.

Vice-Admiralty Jurisdiction.

15. There were two cases under this jurisdiction instituted during the year, and their value was Rs. 20,391-13-4 ; and there was one pending at the close of the year 1877. These three cases were disposed of, two having been dismissed, and one decreed in favour of the plaintiffs.

Insolvency Jurisdiction.

16. There were 39 petitions, presented by 46 persons, during the year, for the benefit of the Insolvent Act ; 19 persons obtained their discharge ; the petitions of 12 persons were dismissed, and those of 15 persons were pending at the close of the year.. The Recorder sat twice at Moulmein during the year as an Insolvent Court, and once at Akyab.

17. The total revenue of the Court during the year was Rs. 47,349-15-0, and the expenditure was Rs. 44,512-13-0, leaving an excess of receipts over expenditure of Rs. 2,837-2-0, as will be seen by the following table :—

	Rs.	A.	P.		Rs.	A.	P.
Amount realized by Court fee stamps	45,824	2	0	Recorder's salary	30,000	0	0
Stamp penalty..	22	8	0	Establishment after deducting two-thirds of Bailiff's salary and Rs. 70 a month of the process serving establishment which is debited to Small Cause Court ..	* 13,751	1	0
Fines and confiscations.. ..	1,499	12	0				
Sale of empty stationery cases and unserviceable furniture ..	3	9	0	Contingencies	761	12	0
					44,512	13	0
				Excess of receipts over expenditure	2,837	2	0
Total..	47,349	15	0	Total..	47,349	15	0

* This includes the Chinese Interpreter's salary from 14th August 1878, who is employed chiefly in the Magistrate's Court.

In the previous year, the revenue was Rs. 25,253-8-0, and the expenditure Rs. 44,218-9-10.

COURT OF SMALL CAUSES, RANGOON.

18. Mr. Lingham and Moung Oon held the offices of First and Second Judges, respectively, throughout the year. The Court continues to be divided into two distinct tribunals, with separate establishments, records, and books. In my Report for 1875, I pointed out that the Mofussil Court of Small Causes Act (XI. of 1865) gave no sanction to the arrangement.

19. The total number of suits, regular and miscellaneous, instituted during the year in both Courts was 8,133, being a decrease of 512 from the previous year. There were only 4,992 regular suits, against 5,288, or a decrease of 296. There were 3,141 miscellaneous suits, against 3,357, or a decrease of 216. In the First Judge's Court, 3,234 regular suits were filed in 1878, and 3,462 in 1877, or a decrease of 228. The number of miscellaneous suits was 2,284, against 2,521, or a decrease of 237. In the Second Judge's Court, 1,758 regular suits, against 1,826 in the previous year, were instituted; and 857 miscellaneous cases, as against 836, or a decrease of 68 and an increase of 21 respectively.

20. The following statement shews number and value of the regular suits instituted before each Judge for 1877 and 1878 :—

Year.	First Judge.		Second Judge.		Total.	
	Number of suits.	Amount.	Number of suits.	Amount.	Number of suits.	Amount.
		Rs. A. P.		Rs. A. P.		Rs. A. P.
1877	3,462	3,82,795 12 7	1,826	1,04,340 3 6	5,288	4,87,136 0 1
1878	3,234	3,69,152 13 10	1,758	99,133 1 4	4,992	4,68,285 15 2

21. The aggregate value of suits instituted in 1878 was Rs. 4,68,285-15-2, against Rs. 4,87,136-0-1 in 1877, or a decrease of Rs. 18,850-0-11; but the average value of each suit increased from Rs. 92 to Rs. 94 in the year under review. This is a high average as compared with the Presidency Small Cause Courts. In the First Judge's Court, the average value of each suit was Rs. 114, as against Rs. 110·57 in the year before, the value of suits instituted being Rs. 3,69,152, against Rs. 3,82,795 in 1877, or a decrease of Rs. 13,643. The average value of each suit before the Second Judge's Court was Rs. 56·38, as against Rs. 57 in the year previous, the value of suits instituted being Rs. 99,133-1-4, as against Rs. 1,04,340-3-6 in the previous year.

22. The following table shows the institution of the Burmese suits :—

Court.	In which plaintiff alone was a Burman.	Both parties Burmans.	Total.
First Judge's Court	37	59	96
Second do. do.	101	721	822
Total ..	138	780	918

Although there was a diminution in this class of suits during the year, the increased resort of Burmese to the Court, which was so apparent in 1876 and 1877, has on the whole been fairly maintained. Moung Oon, the Second Judge, however states that it would be more but for the pressure that is successfully brought to bear on the Burmese to prevent them from resorting to the Courts by Loogyees, who constitute themselves arbitrators and exact large fees for deciding disputes.

23. Notwithstanding that the Chinese form so considerable a portion of the population of the town, there are not many suits between themselves brought into Court. Their disputes, as a rule, are decided by their secret societies; but the difficulty in obtaining Interpreters who are able to speak more than one of the several Chinese dialects spoken in Rangoon renders the trials to some extent unsatisfactory; and this may account for the small number of suits brought by them.

24. The natives of India proper have always formed the great majority of suitors in both Courts. This necessitates the employment of several Interpreters. It is difficult to obtain any one person qualified for the appointment of Interpreter for the Second Judge's Court, able to interpret Tamil, Telegu, and Hindustani into Burmese. The First Judge had therefore been frequently obliged to exercise the power of transferring suits from the Second Judge's to his own file, where natives of India who do not speak Burmese were concerned.

25. In 14 suits before the First Judge, Rs. 4,415-7-5, and an uncalculated sum as interest, were abandoned to reduce the claim to Rs. 1,000 (the pecuniary limit of the Court's jurisdiction).

26. The Courts disposed of 5,007 regular suits in an average of 15 days: of these, 1,258 were decided after contest in an average of 21½ days, and 3,749 uncontested in an average of 12¾. One hundred and seventy-nine regular suits were pending at the end of the year.

27. The First Judge commenced the year with 155 suits of the previous year's institution, and disposed of 3,261 regular suits; and there were 128 pending at the close of 1878 of the following classes :—

Suits instituted in 1878, but the summons returnable in 1879	71
Suits not disposed of by reason of non-service or insufficient service of summons ..	29
Suits adjourned, either in consequence of the parties not being ready, or the Court's inability to dispose of them on the day fixed	28
Total ..	128

28. The average duration of suits in his Court increased, 24 days being the average of the contested cases, and 15 days of the uncontested cases. One cause chiefly contributed to this increase: owing to the great number of suits against people who do not reside in Rangoon, which can now be instituted in a Court of Small Causes by virtue of section 17 of the new Code of Civil Procedure, a much longer time must elapse between the institution and hearing to enable summonses sent to other Courts to be properly served, and the cases for absent defendants to be preferred, or to enable defendants to come to Rangoon to make defences in person. The cases decided *ex-parte* came down to 1,182, against 1,353 in the previous year, or from 38 per cent. to 34 per cent. of the number decided.

29. The Second Judge had 39 regular suits pending from the previous year. He disposed of 1,746, of which 264 were contested, and 51 suits were pending at the close of the year. The contested cases averaged 11 days each, and the other suits nine days. In 1877, the averages were a little over 28½ and 6½ days respectively. The number however of contested cases disposed of was 344 in that year.

30. Both Courts together disposed of 3,155 miscellaneous suits, or 171 less than the previous year; and 92 were pending at the close of the year.

31. The following tables shew the particulars of the miscellaneous suits (other than applications for executions of decrees) by each of the Judges :—

First Judge's Court.

Nature of applications.	Pending at the close of last year.	Instituted during the year	Total for disposal.	Granted.	Refused	Executed.	Unexecuted.	Pending at the close of the year
Reference to High Court	..	2	2	2	..	..	..	..
For removal of attachment	..	58	58	30	26	..	..	2
To sue *in formâ pauperis*	1	15	16	9	7	..	..	..
For new trial	2	9	11	3	8	..	..	..
To set aside *ex-parte* decree	..	22	22	13	9	..	..	..
For review of judgment	..	23	23	6	17	..	..	..
To transfer cases from Second Judge's Court ..	..	49	49	36	13	..	..	..
Applications for certificate of non satisfaction, with copy of decrees for execution in other Courts ..	..	50	50	48	2	..	..	..
Commissions from other Courts to examine witnesses ..	3	7	10	..	..	9	1	..
Processes from other Courts forwarded to this Court for service	12	172	184	..	..	73	109	2
To furnish security before judgment	..	103	103	75	28	..	..	..
Other cases	3	243	246	109	70	..	..	7
Total ..	21	753	774	391	180	82	110	11

Second Judge's Court.

Nature of applications.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted	Refused.	Executed	Unexecuted.	Pending at the close of the year
Reference to High Court	..	..	..	..	..	..	..	..
For removal of attachment	1	37	38	26	12	..	..	..
To sue *in formâ pauperis*	..	1	1	1	..	..	..	..
For new trial	..	39	39	31	8	..	..	..
To set aside *ex-parte* decree	..	22	22	12	6	..	..	4
For review of judgment	..	3	3	2	1	..	..	..
Applications for certificate of non satisfaction, with copy of decree for execution in other Courts ..	1	22	23	23	..	..	..	..
Commissions from other Courts to examine witnesses ..	..	13	13	..	..	6	..	7
Processes from other Courts forwarded to this Court for service	1	55	56	..	..	49	7	..
To furnish security before judgment	..	9	9	7	..	..	..	2
Other cases	..	52	52	37	10	..	..	5
Total ..	3	253	256	139	37	55	7	18

32. The financial working of the Court appears by the following table :—

Receipts.	Rs	A	P	Expenditure.	Rs.	A	P	Rs	A	P
First Judge's Court.				*First Judge's Court.*						
Amount realized by stamps	30,988	8	0	Judge's pay .				18,493	5	4
Tullubana Fund	5,093	4	0	1 establishment	5,328	0	0			
Fines	35	8	0	Contingencies	481	15	6			
Stamp penalty on insufficiently stamped documents	32	4	0					5,809	15	6
By sale of empty stationery cases	0	10	0	One-third share of Bailiff's pay and pay of 4 peons of the Bailiff's establishment debited to this Court by direction of the Recorder .				1,280	0	0
Second Judge's Court.										
Amount realized by stamps .	8,737	0	0	*Second Judge's Court.*						
Tullabana Fund .	2,298	12	0							
Fines .	10	0	0	Judge's pay ..				6,000	0	0
Stamp penalty on insufficiently stamped documents . ..				Establishment	1,896	0	0			
				Contingencies	55	8	0			
General.								1,951	8	0
Amount of Interpreters' fees realized during the year in both Courts	2,252	8	0	One third share of Bailiff's pay and pay of 3 peons of the Bailiff's establishment debited to this Court by direction of the Recorder .				1,100	0	0
				General						
				Amount disbursed to the Interpreters during the year .				2 252	8	0
				Total .				28,947	4	10
				Balance of receipts over expenditure .				20 501	1	2
Total	49,448	6	0	Total				49 448	6	0

Of the balance of receipts over expenditure, Rs. 20,501-1-2, the First Judge's Court contributed Rs. 18,566-13-2, and the Second Judge's Court, Rs. 1,934-4-0.

33. In his report for the year, Mr. Lingham, the First Judge, observes that there was a marked increase in the number of suits instituted in the months of January and February, suitors availing themselves of the extension of the Court's jurisdiction, resulting from section 17 of the new Code; but he states that it was not continued in the next few months. This falling off he partly attributes to the change of procedure in the execution of decrees against debts, under section 268 of the new Code, and to the inability of decree-holders in Courts of Small Causes executing their decrees against moveable property out of the local jurisdiction of these Courts by the aid of other Courts. The only cases in which section 268 might appear to work any inconvenience or hardship are those where the amount and correctness of the debt are undisputed, and the debtor is ready to pay the debt, as in the case of salaries and wages due. But the instances should be rare where such a debt is retained for six months and then had to be sold;

for the debtor can pay the amount into Court, and thus discharge himself of it as effectually as if he had paid his creditor. In other cases, if a debtor were required, on failing to shew cause, to pay the money into the Court *instanter*, it would be giving a decree-holder the advantage, which is denied to the creditor himself, of a summary procedure for the recovery of debts for his sole advantage. Decree-holders have therefore no cause to complain of the law as it stands. But I do not think that the class of suitors who resort to the Courts of Small Causes are so sensitive to the Court's procedure that one single would-be suitor is restrained, for the reasons assigned by Mr. Lingham, from coming into Court to realize his claim or demand; and consequently, I am of opinion that the decrease in the number of suits instituted is not attributable thereto, but that it is rather to be regarded as an instance of the ordinary fluctuation in litigation, which has its times of rise and fall, of uncertain recurrence, like any other business; and it is useless to look beyond those small influences which operate imperceptibly on men's affairs, and, although they act independently and have no connection with one another, produce in their fortuitous aggregation a sensible result for the decrease which is observable. Judging from the return for the year under review, the business of the Courts appears to me to be in a satisfactory and healthy condition.

34. Before closing my report on the Court of Small Causes, I desire to bring to the notice of the Chief Commissioner that the majority of the insolvent suits filed in the Recorder's Court are by judgment-debtors who have either been arrested in execution of decrees obtained in the Court of Small Causes, or petitioned to prevent their being arrested. Invariably these petitioners have no assets, or, at the most, only such as consist of bad debts. For this class of cases the procedure of the Insolvent Debtors' Act is ill adapted, and the petitioners are put to considerable and useless expense for the requisite advertisements in the official Gazette and public newspapers, which frequently they have not the means to pay, in order to comply with the directions of the Act. In my opinion, these cases could be dealt with much more readily and appropriately under the Code of Civil Procedure if the First Judge had the necessary powers given to him. I may mention that the Madras Government has, with much advantage to these people, extended this part of the Code (Chapter XX.) to the Court of Small Causes at Madras; and I would suggest that Mr. Lingham be empowered by the local Government in like manner to deal with those cases of insolvent debtors which arise in both divisions of the Court of Small Causes here, by the issue of a notification under section 336 of the Code. Mr. Lingham's long experience as a barrister and practitioner eminently qualifies him to administer insolvency law; and the cases he would have to deal with would be more conveniently disposed of by him than in my Court, under an Insolvent Act which was hardly intended for the adjudication of such petty cases.

C. J. WILKINSON,

Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From R. J. CROSTHWAITE, Esq., Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 411-35, dated the 17th April 1879.

I HAVE the honour to forward the Annual Report on the Administration of Civil Justice in British Burma (exclusive of the town of Rangoon) for the year 1878, together with a set of statistical returns.

The tabulated statements in the body of the report have been simplified so as to correspond with appendices.

The subjoined table shews the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year:—

Division.	Name of District.	Instituted.		Disposed of.		Pending at close of year.			
						Above four months		*Total pending*	
		1877	1878	1877.	1878	1877.	1878.	1877.	1878
Arakan	Akyab	1,557	1,423	1,559	1,416	..	..	7	14
	Do Small Cause Court ..	643	620	645	619	..	..	1	2
	Kyouk hpyoo	612	659	615	665	..	..	15	9
	Sandoway	271	349	272	347	..	..	1	3
Pegu	Rangoon	1,725	1,878	1,726	1,856	..	5	12	34
	Thonkwa	2,184	2,683	2,184	2,661	..	..	12	34
	Bassein	3,989	3,757	3,971	3,729	1	2	50	78
	Do Small Cause Court ..	..	288	..	285	..	..	..	3
	Henzada	4,198	2,795	4,193	2,786	..	..	11	15
	Tharrawaddy	.	1,969	.	1,927	..	..	..	47
	Prome	1,969	2,104	1,950	2,412	1	..	27	19
	Thayetmyo	1,139	1,335	1,117	1,348	..	..	30	17
	Do Small Cause Court Assistant Judge	221	141	229	143	..	..	2	..
	Thayetmyo Small Cause Court Judge	7	5	7	5	..	..	..	..
Tenasserim	Amherst	1,353	1,497	1,365	1 482	..	..	6	21
	Shwe-gyeen	1,126	1,152	1 125	1,157	..	..	27	22
	Toungoo	1,131	1,206	1,130	1,191	..	1	6	21
	Tavoy	506	521	508	521	..	..	2	2
	Mergui	592	522	598	518	..	..	2	6
	Salween	42	36	44	36	..	..	..	..
	Moulmein Judge's Court ..	231	148	238	141	3	2	7	14
	Do Small Cause Side ..	2,746	3,141	2,732	3,367	..	..	68	142
	Total ..	26,242	28,829	26,208	28,612	5	10	286	503
	Increase ..	..	2,587	..	2,404	..	5	..	217
	Decrease ..	..	..	..	..	..	..	..	..

Increase and decrease in the different districts during the year.

	Increase.		Decrease.	
	Instituted.	*Disposed of.*	*Instituted.*	*Disposed of.*
Kyouk-hpyoo	47	50		
Sandoway	78	75		
Thonkwa	499	477		
Bassein	56	43		
Amherst	144	117		
Shwe-gyeen	26	82		
Toungoo	75	61		
Tavoy	15	13		
Moulmein	612	538		
Rangoon	153	130		
Tharrawaddy	1,969	1,927		
Prome	435	462		
Thayetmyo	114	153		
Akyab			134	169
Mergui			70	80
Salween			6	8
Henzada			1,403	1,407

During the year under review, there was an increase of 2,587, or nearly nine per cent., in the number of institutions, and of 2,404 in the number of suits disposed of. The pending file also shews an increase of 217.

The largest number of institutions was in the Courts of the Bassein district, where 3,757 suits were instituted and 3,729 disposed of. In Akyab, there was a decrease of 134. The Deputy Commissioner assigns, as a reason for this, the high price of paddy and the objection to paying pleaders' fees; but such fluctuations scarcely require explanation.

The principal increase in the number of institutions was in the Court of the Judge of Moulmein, in which Court 3,589 suits were instituted, as compared with 2,977 in the previous year, thus shewing an increase of 612. This increase was all on the Small Cause Court side. The Judge says, he is "satisfied that this increase is in no small degree due to the greater difficulties placed in the way of judgment-debtors obtaining their release when arrested in execution of decrees passed against them. For the greater part of the past year the privilege of giving judgment-debtors the information referred to in section 336 of the Civil Procedure Code, under which alone release on security pending the investigation of insolvency is allowed, was denied to this Court, the consequence being that even an honest debtor had to go to jail in default of payment, unless when arrested he immediately prepared an application to be declared an insolvent under Chapter XX. of the Civil Procedure Code, and it could be arranged that he should be left in the custody of the arresting officer. Even now, if once committed, and so long as the judgment-creditor chooses to pay subsistence, there is no way for a judgment-debtor to get his release before the expiration of the imprisonment provided, unless he bears the expense of notifying all his creditors and successfully meets their opposition."

Explanation of increase.

"The fact is, the provisions of the present Code regarding release from arrest are as much too complicated, and therefore hard upon judgment-debtors, as those of the old Code were too easy and favourable to them: creditors, being aware of the change, have less hesitation in suing for their claims, knowing it to be very likely that they will obtain some satisfaction thereof by arresting or threatening to arrest the debtor after decree." I am not disposed to agree with this opinion.

2. Considering the increase in the work during the year, I do not think that the state of the pending files is unsatisfactory. The Judge of Moulmein shews the largest total; but this he explains as being due to the increase in the number of institutions, and especially to the fact that 74 suits were filed in the week preceding the Christmas vacation. At Bassein, there were 81 cases on the file at the end of the year; but this, out of a total of 4,000 cases for disposal, is not, I think, in any way remarkable. There was an increase of five in the number of cases pending more than four months; for five, Rangoon is responsible, two are on the Bassein file, two at Moulmein, and one at Toungoo. Of the two suits pending at Moulmein, one was a suit for a partnership account in which a Commissioner had to be appointed to investigate the accounts, which extended over several years, and in which further delay was caused by the illness of the defendant; the other suit was connected with one before the Special Court in appeal, in which the judgment was awaited. The Toungoo case was one in which a commission for the examination of witnesses in Rangoon had to issue. One of the cases at Bassein was delayed by a commission having to issue to examine witnesses at Chittagong; and in the other the delay appears to have been principally caused by the absence of the Extra Assistant Commissioner on duty in the interior of the district. These explanations are—with the exception, perhaps, of the last—satisfactory. No explanation has been given of the delay in disposing of the five cases entered as pending for over four months in the Rangoon Courts. I have called for a report.

Explanation of these.

The next table shews the character of the original litigation in the different districts and classes of Courts:—

Division.	Name of District.	Number of suits													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property, or value thereof.	For damages.	For immoveable property, or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial right.	Other suits.	Total.
Arakan.	Akyab	424	175	12	19	78	125	31	279	144	65	13	35	23	1,423
	Do. Small Cause Court	216	75	...	...	109	139	...	77	4	...	...	...	...	620
	Kyouk-hpyoo ...	128	102	...	51	50	8	13	105	65	86	1	26	24	659
	Sandoway	40	30	3	15	13	35	1	79	35	74	1	17	6	349
Pegu.	Rangoon	429	589	22	18	139	64	11	202	97	208	3	76	20	1,878
	Thonkwa	360	418	35	69	297	377	3	410	452	164	2	79	17	2,683
	Bassein	393	618	17	75	463	197	7	561	1,059	170	...	169	28	3,757
	Do. Small Cause Court	22	88	...	4	109	60	...	5	...	...	...	...	...	288
	Henzada	204	328	8	133	411	170	62	311	827	178	3	141	16	2,795
	Tharrawaddy ...	117	211	4	319	87	37	1	381	553	176	...	77	6	1,969
	Prome	180	362	48	43	430	381	31	125	343	273	49	122	17	2,404
	Thayetmyo	213	201	25	72	216	56	1	178	265	98	1	50	19	1,386
	Do. Small Cause Court: Assistant Judge	23	20	...	...	96	1	1	...	...	...	...	5	...	141
	Thayetmyo Small Cause Court: Judge ...	2	1	...	...	...	...	...	...	...	...	...	1	1	5
Tenasserim.	Amherst	354	287	8	139	181	57	19	240	73	102	3	28	4	1,495
	Shwe-gyeen	233	332	11	121	231	26	...	74	44	19	1	54	3	1,152
	Toungoo	267	140	153	47	261	17	11	98	18	81	1	77	35	1,206
	Tavoy	44	66	2	11	109	65	30	51	13	92	2	25	11	521
	Mergui	226	77	1	7	118	24	1	13	34	11	...	7	2	521
	Salween	3	9	...	7	3	5	...	6	3	...	...	...	...	36
	Moulmein Judge's Court	99	1	2	2	1	4		3	3	7	3	6	17	148
	Do. Small Cause Side	2,081	297	11	112	472	339	20	91	13	...	...	...	5	3,441
	Total	6,058	4,427	362	1,267	3,874	2,187	243	3,292	3,985	1,804	83	990	254	28,826
	In 1877	5,678	4,226	386	1,003	3,510	1,920	409	3,233	3,483	1,219	77	884	214	26,242
	Increase ...	380	201	...	264	364	267	...	59	502	585	6	106	40	2,584
	Decrease ...	...	...	24	...	...	...	166	...	...	...	...	...	...	...

Character of litigation.

3. This table shews that the increase has fallen under every description of suit, except those classed as "suits on account stated" and "suits for rent." Of the total increase of 2,584 in the number of suits instituted, those for immoveable property and for damages account for 1,087. The increase under the former class amounted to 585, or nearly 49 per cent. This increase is remarkable, and I have little doubt is owing to the rise in the value of land. During the last four years, the number of suits of this description instituted was as follows:—

1875	..	..	..	1,256	1877	..	..	..	1,219
1876	..	..	..	1,100	1878	..	..	..	1,804

The increase in the year 1877 was not remarkable, and, besides, the number was less than that in 1875. With the exception of Kyouk-hpyoo and Shwe-gyeen, where there was a decrease of eight and two respectively, all the district returns shew an increase, especially Rangoon (123 suits), Thonkwa (81), Henzada and Tharrawaddy (119), and Prome (105). So far as my experience of the province during the last few months enables me to form an opinion, I can see no cause for alarm in the increase of this class of suits. The majority of such cases which have come before me on appeal are either suits for a share in ancestral property, or suits for redemption of mortgage. In the latter description of suits, the parties have been almost invariably Burmese, and usually there is no written instrument whatever, or, if there is, it is inadmissible on the ground of its not having been registered. In almost every case, the defendant, the alleged mortgagee, pleads that he has purchased the land from the plaintiff. From my own experience, I am inclined to the opinion that the rise

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in the value of land has induced numbers of suitors to claim lands which they had given up or transferred to others (probably with an understanding that they might reclaim them) when cultivation was not so profitable, and when the habits of the people were not so settled. I have not had, so far as I can recollect, any cases of suits brought by professional money-lenders to recover the money lent by the sale of the property mortgaged. Such suits are of course instituted, and the number will probably increase. I would suggest that it would be advisable to extend the provisions of the Bengal regulations relating to foreclosure (Regulations I. of 1798 and XVII. of 1806), so far as they are applicable to this province. At present, in the case of a conditional sale, there is no law which prevents the sale from becoming absolute at the day on which default takes place. It is a question whether, without a law to that effect, the Courts have the power to vary the contract entered into between the parties. If such should be the state of the law, I should expect that the Chetties and other professional money-lenders will take advantage of it to get possession of lands by means of mortgages made by way of conditional sale, and will perhaps succeed in getting lands for less than their value before the Burmans understand the consequences of a default in non-payment of the loan. From what I have seen, I doubt if the ordinary Burman comprehends the force of a clause in the agreement by which he covenants, that, if he fails to repay the amount of the loan and interest by a certain date, his right and interest in the land which is the subject of the conditional sale shall absolutely cease and determine.

The number of suits on written obligation shews an increase of 380; but there were 477 more institutions under this head in Moulmein than in the previous year, so that in the rest of the province there was a general decrease. The increase (502) in the number of suits for damages is large. The districts of Thonkwa, Bassein, Henzada, and Tharrawaddy shew the greatest increase. With such an exciteable people, it is perhaps better, as my predecessor observed, that they should file plaints than commit assaults. There was an increase of 106 in the number of suits instituted for dissolution of marriage or for enforcement of matrimonial rights. The civil Courts in Burma give decrees for divorce where the parties are Burmans, and it has been held by the Special Court that they can also in some cases decree a divorce when the parties are Hindus.

The value of original suits was as follows:—

Division.	Name of district.	Number of suits disposed of, valued at not exceeding								Total value of suits.
		Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.	Above Rs. 1,00,000.	
										Rs. A. P.
Arakan.	Akyab	84	231	671	365	56	8	1	..	..	1,86,897 2 2
	Do. Small Cause Court ..	54	197	368	..	..	..	..	..	..	21,286 2 7
	Kyouk-hpyoo	78	226	308	51	2	..	..	..	..	28,539 2 6
	Sandoway	58	117	151	20	..	1	..	..	..	12,987 5 5
Pegu.	Rangoon	38	304	926	507	58	..	23	..	..	2,19,832 6 9
	Thonkwa	197	577	1,348	517	19	3	..	..	..	2,02,640 11 6
	Bassein	245	741	2,184	519	27	11	1	1	..	2,82,078 13 8
	Do. Small Cause Court ..	102	183	..	..	..	..	..	..	..	2,550 9 5
	Henzada	198	647	1,481	446	10	4	..	..	..	1,48,365 8 6
	Tharrawaddy	158	524	929	308	2	..	6	..	..	1,08,719 5 8
	Prome	374	644	1,154	224	13	3	..	..	..	1,11,084 2 8
	Thayetmyo	158	376	604	150	14	..	3	..	..	80,344 6 0
	Do. Small Cause Court: Assistant Judge ..	31	72	40	..	..	..	..	..	..	2,144 6 3
	Do. do.: Judge ..	..	..	3	..	..	..	..	..	..	194 2 8
Tenasserim.	Amherst	66	303	804	278	23	7	..	1	..	1,41,228 1 7
	Shwe-gyeen	116	247	472	273	11	5	..	..	..	93,329 3 9
	Toungoo	156	352	459	195	19	9	1	1	..	1,10,341 7 0
	Tavoy	72	168	217	59	4	1	..	..	..	30,204 12 8
	Mergui	39	141	270	64	4	..	..	..	..	33,092 15 8
	Salween	1	6	13	13	2	1	..	..	..	7,428 12 4
	Moulmein Judge's Court ..	..	1	2	9	7	..	105	8	..	3,82,559 1 0
	Do., Small Cause Side.	112	792	1,576	798	89	..	..	..	..	3,11,192 14 0
	Total ..	2,337	6,849	13,980	4,796	360	53	140	11	..	25,17,041 9 9
	In 1877 ..	2,305	6,751	12,687	3,803	293	167	15	3	..	22,09,070 5 0

4. This statement shews that the chief increase was in suits valued at sums between 20 and 100 rupees, and those valued at sums between 100 and

Value of suits.

500 rupees. Upwards of 2,300 suits were for sums not exceeding 5 rupees. The total value of suits has increased by upwards of Rs. 2,00,000.

The manner in which the litigation was disposed of in the several Courts is shewn below :—

Division.	Name of District	Number of cases brought on the file, including pending from last year	Transferred.	Plaint rejected or returned	Dismissed for default	Withdrawn with leave.	Compromised.	Decreed on confession	Decreed *ex parte*	Dismissed *ex parte*	Contested cases: Judgment for plaintiff in whole or part.	Contested cases: Judgment for defendant.	Total disposed of.	Pending	Referred to arbitration
Arakan	Akyab	1 490			286	16	190	192	202	6	368	153	1,416	14	3
	Do Small Cause Court	621			112	16	71	79	153		134	54	619	2	
	Kyouk hpyoo	674	.		78		102	72	82	3	225	103	665	9	
	Sandoway	350	.	4	49	4	40	34	24	2	117	73	347	3	
Pegu	Rangoon	1 890	3	3	517	28	108	236	221	10	467	253	1,856	34	10
	Thonkwa	2,095	13	1	477	107	240	191	454	29	686	449	2,661	34	14
	Bassein	3,807	2		690	17	348	249	530	13	1,117	734	3,729	78	20
	Do Small Cause Court	288			43	1	6	34	103		80	16	285	3	
	Henzada	2,801	1	1	491	85	299	309	197	5	936	540	2,786	15	3
	Tharrawaddy	1,974			408	75	194	214	182	10	625	219	1 927	47	1
	Prome	2,431	14		550	26	79	228	273	7	887	316	2,412	19	2
	Thayetmyo	1 365	2	12	258	13	159	130	172		413	189	1,348	17	
	Do Small Cause Court Assistant Judge	143			7	3		53	58		12	11	143		
	Do do Judge	5		..	.			1			3	1	5		
Tenasserim	Amherst	1,503	7	26	126	61	71	232	267	13	454	225	1,482	21	11
	Shwe-gyeen	1,170	9	5	134	40	61	293	161	34	272	148	1,157	22	6
	Toungoo	1,212	1		107	17	75	228	160	9	401	193	1,191	21	2
	Tavoy	523			72	27	7	72	23	3	190	118	521	2	
	Mergui	524	1		39	12	8	197	130	..	96	35	518	6	
	Salween	36	..		1	2	5	3	10	3	8	4	36		
	Moulmein Judge's Court	156	1		2	2	14	9	87		65	11	141	14	1
	Do, Small Cause Side	3 509	1	1 29	388	65	160	181	1,418	1	847	803	3,367	142	8
	Total	29,115	55	82	4,835	617	2,146	3,437	4,866	145	8 412	4,190	28,612	503	83
	In 1877	26,494	47	48	4,211	454	2,019	3,673	4,523	143	7,473	3,533	26,576	286	84

Disposal of suits.

5. Of the 28,612 suits disposed of during the year under review, 12,602, or about 44 per cent., were decided after contest in Court. Last year the proportion was 41 per cent., and, compared with a regulation province where our procedure has been in use a considerable time, I do not think there is any reason to apprehend that the Courts in Burma are careless about deciding cases in the absence of the parties. As a rule, suits relating to property, moveable or immoveable, actions on tort and on contract, shew a preponderance of cases decided after contest. But in actions for debt and the generality of suits of the nature cognizable by Small Cause Courts, the majority are decided *ex-parte*, or on default, or by agreement. Thus, in the Small Cause Court at Moulmein, presided over by a Barrister Judge, of the 3,367 suits disposed of, 388 were dismissed for default and 1,418 were decreed *ex-parte*, while 1,150 were decided after contest. The Judge of Moulmein is stationary and has no executive duties to perform, and he is careful in the discharge of his judicial work; and yet in his Court the cases decided *ex-parte* alone exceed the number decided after contest. The law, by allowing applications for re-hearing, provides against abuses in this respect, and, considering the general nature of the litigation in this province, the result shewn by this return is what I should have expected.

The average duration of suits in Courts of original jurisdiction was as follows:—

Division	Name of District.	Average duration of suits.			
		For previous year.		For year of report.	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan	Akyab	9 9	8·6	14 5	7
	Do. Small Cause Court	3	3	6	6
	Kyouk-hpyoo	8 8	8 6	10·6	7·8
	Sandoway	9 5	6 8	4 05	10·45
Pegu.	Rangoon	30·	10	20	12
	Thonkwa	12·	6	23	14
	Bassein	17	8	23 2	11 4
	Do. Small Cause Court	..	..	6	6
	Henzada	12	9	23	10
	Tharrawaddy	..	..	13·56	7 45
	Prome	12	4 6	15 66	6·54
	Thayetmyo	9·7	7 9	9 8	7·2
	Do. Small Cause Court: Assistant Judge	11	9	14	10
	Do. do. do.: Judge..	7	9	9	17
Tenasserim	Amherst	12	4	16	5
	Shwe-gyeen	26	9	29·3	7 2
	Toungoo	8·4	2 5	27	10
	Tavoy	8	5	9	5
	Mergui	10	4	22	4
	Salween	8	31	18	3
	Moulmein Judge's Court	35	20	40	16
	Do, do. do., Small Cause Side	11	9	12	11
	Total ..	13	8 7	15 81	7·74

6. There is again an increase in the average duration of contested cases. In 1877, it was 13 days; in the year under review, it was 15·81. This increase is partly to be accounted for by the increase in the number of suits which came on for hearing. In some districts—as, for instance, in Henzada, where the duration rose from 12 to 23 days—the increase is great; but I think that, except where the delay in deciding suits is manifestly greater than it should be, it is a mistake to put great pressure on the Courts to aim at rapid disposal of suits. Unnecessary adjournments are reprehensible, but, until the work of a Court is transacted by experienced Advocates and Pleaders, adjournments must sometimes be allowed in order to enable the Court to decide cases satisfactorily. The longest duration is 40 days in the Court of the Judge of Moulmein, which I do not consider too long for such a Court.

Average duration.

The next table table shews the numbers of applications for execution, and the degree in which the applications were satisfied:—

Division.	Name of district	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of the year.
Arakan.	Akyab	795	186	341	24
	Do Small Cause Court	230	26	108	2
	Kyouk-hpyoo	174	55	54	9
	Sandoway	53	41	4	..
Pegu.	Rangoon	328	131	50	14
	Thonkwa	408	303	80	15
	Bassein	615	228	111	10
	Do. Small Cause Court	31	21	..	..
	Henzada	359	216	106	6
	Tharrawaddy	222	159	50	3
	Prome	384	193	99	13
	Thayetmyo	252	116	85	10
	Do. Small Cause Court. Assistant Judge	31	24	4	..
	Do do. do. do. Judge	1	1	..	..
Tenasserim.	Amherst	430	230	32	14
	Shwe-gyeen	293	253	15	4
	Toungoo	369	128	93	16
	Tavoy	114	74	34	..
	Mergui	76	52	24	...
	Salween	9	6	3	..
	Moulmein Judge's Court	250	21	89	24
	Do, do. do Small Cause Side	1,798	185	494	115
	Total ..	7,222	2,649	1,876	279
	In 1877 ..	6,285	2,625	1,451	216

Execution

7. The number of applications for execution was 7,222, as compared with 6,235, shewing an increase of nearly 1,000 on last year. The result I consider satisfactory. Two thousand six hundred and forty-nine decrees, or nearly 37 per cent., were completely realized, and 1,876 partially. This is not taking into account the decrees satisfied out of Court. In some districts the complete execution of decrees was remarkably good. Thus, in Henzada, 216 were completely executed, out of 359; in Tharrawaddy, 159, out of 222; and in Shwe-gyeen, 253, out of 293. This is particularly satisfactory, as it shews that a suitor's troubles in Burma do not, as they so often do elsewhere, commence with his obtaining a decree. The low percentage of complete executions in the Small Cause Court at Moulmein (11) is perhaps rather against the Judge's suggestion that the coercive processes of Act X. of 1877 encourage parties to sue. But in petty suits for wages and debt in Small Cause Courts, the majority of defendants, if they have the money, settle the case without execution having to issue, and a low proportion of decrees completely executed, to decrees enforced, is to be expected.

Processes of execution were issued as follows:—

Division.	Name of district.	Mode of execution.						
		Delivery of possession.	*Persons*	*Moveable property*		*Immoveable property.*		Order under section 503, Civil Procedure Code.
			Imprisonment of.	Attachment.	Sale.	Attachment.	Sale.	
Arakan.	Akyab	16	18	252	62	144	79	
	Do. Small Cause Court	..	8	50	4	..	..	
	Kyouk hpyoo	3	53	75	24	81	48	
	Sandoway	4	25	19	4	20	9	
Pegu	Rangoon	3	99	162	31	72	20	
	Thonkwa	8	127	218	70	95	28	
	Bassein	10	89	299	88	68	16	
	Do. Small Cause Court	..	10	1	..	..	..	
	Henzada	23	46	132	49	116	44	
	Tharrawaddy	9	114	94	22	61	15	
	Prome	1	16	161	117	101	55	
	Thayetmyo	4	39	93	52	54	39	
	Do. Small Cause Court Assistant Judge.	..	1	9	9	2	2	
	Do. do do Judge ..	..	..	..	..	..	..	
Tenasserim	Amherst	18	12	117	45	74	47	
	Shwe-gyeen	2	9	135	31	47	12	
	Toungoo	..	20	96	34	91	26	
	Tavoy	13	47	26	1	29	8	
	Mergui	..	21	5	2	14	3	
	Salween	..	3	4	..	..	..	
	Moulmein Judge's Court	1	13	32	30	76	53	
	Do do do, Small Cause Side ..	..	178	133	93	..	..	
	Total ..	115	948	2,113	768	1,145	498	
	In 1877 ..	105	525	2,260	820	1,215	546	12

Processes of execution

8. The number of persons imprisoned rose from 525 to 948; but there was a decrease under the heads "of attachment and" sale of moveable and immoveable property." The number of sales of immoveable property was less by six than in the year 1876.

The subjoined table shews the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts on the proportion in which the decrees appealed against were upheld :—

Division	Name of district.	Name and description of Judge from whose decision appeal was preferred.	Number of appeals preferred.	Number of decrees confirmed	Number of decrees modified.	Number of decrees revised
Arakan.	Akyab.	Moung Hlai Gyaw Oo, Extra Asst Commr, Ooreetoung East ..	3	1	1	1
		,, Oung Ban, ditto, ditto ..	1	1	..	..
		,, Teekhine, ditto, ditto ..	2	1	..	..
		,, Mra Tha Htoon, ditto, Membya ..	1	..	..	1
		,, Tsan Hla Baw, ditto, Myohoung ..	4	..	1	1
		,, Mra Tha Doon, ditto, Koladan ..	13	4	..	4
		,, Raiphawthoo, ditto, Rathaidoung ..	12	4	1	2
		,, Pha Phroo, ditto, Ooreetoung West	5	1	..	3
		,, Htoon Oo, ditto, Naaf ..	9	3	..	..
		,, Thadoway, Tsitkay, } Akyab	20	7	1	6
		,, Tsan Hla Baw, Offg Tsitkay, }	2	..	1	1
		Mr. D. L M Mackay, Assistant Commissioner, Akyab ..	6	2	..	1
	Kyouk-hpyoo	Moung Tsa Hla Phroo, Extra Assistant Commissioner, An ..	9	6	3	..
		,, Phoo Khine, ditto, do. ..				
		,, Htoon Aye, ditto, Myaiboon ..	5	..	2	1
		,, Tsan Oo, ditto, Choduba ..	9	5	1	2
		,, Hla Htoon Oung, ditto, Rahmree ..	8	7	..	1
		,, Htoon Hla, ditto, do ..	21	12	2	
		,, Shwe Dike, ditto, Kyouk hpyoo ..	27	16	2	4
		,, Tsa Hla-Phroo, ditto, ditto ..	..	..	..	6
		,, Hla Htoon Oung, ditto, ditto ..	8	6	.	..
						2
	Sandoway.	Moung Ally Nuckoo, Offg Extra Assistant Commr., Tounghoop.	1	1	..	..
		,, Oung Htoon, ditto, ditto ..	29	19	1	7
		,, Shwe Bwen, Extra Assistant Commissioner, Gwa ..	.	..	..	..
		,, Goke, ditto, do. ..	2	2	..	..
		,, Shwe Hman, Offg. ditto, do. ..	..	..	..	..
		,, Shwe Boo, Extra Assistant Commissioner, Sandoway..	37	20	3	12
		Meer Hatim Hossain, ditto, do. ..	3	..	..	..
Pegu.	Bassein.	Moung Kyah, Extra Assistant Commissioner, Ngapootaw ..	27	12	4	10
		,, Byah, ditto, Myoungmya ..	23	5	5	11
		,, Yoh, ditto, } Theegwin ..	9	6	..	3
		,, Dway, ditto, }	17	8	1	5
		,, An, ditto, Kyoonpyaw ..	6	5	..	1
		,, Hpo Oo, ditto, Yaygyee ..	30	16	5	8
		,, Shwe Goon, ditto, Laymyethna ..	36	21	2	12
		,, Shwe Zin, ditto, Thaboung ..	21	10	1	10
		Mr. A. L Hough, ditto, Ngathain-gyoung	5	2	..	3
		Moung Bya, ditto, Bassein ..	77	46	8	15
	Rangoon.	Moung Shwe Kyee, Extra Assistant Commissioner, Hline ..	4	2	1	..
		,, Hpai, ditto, Hmawbee ..	1	..	..	1
		Mr. R. McLeod, ditto, do ..	3	3	..	..
		Moung Htoon Oung, ditto, do ..	2	..	..	1
		,, Yoh, ditto, Hpoungleng ..	3	3	..	..
		,, Shwe Thee, ditto, do ..	1	..	1	..
		,, Kho, ditto, do. ..	1	1	..	..
		,, Toke Kyee ditto, do ..	9	6	..	1
		,, Wike, ditto, Pegu ..	25	14	3	6
		,, Tokek Kyee, ditto, do. ..	1		..	..
		,, Boh Gyaw, ditto, Syriam ..	46	25	1	14
		,, Shwe Zin, ditto, Angyee ..	17	5	1	5
		Mr R Phayre, } Asst Commr, Lieutenant F D Raikes, } Pegu ..	1	..	..	1
		Mr R Phayre, } ditto, Lieutenant B A N Parrott, } Syriam ..	4	1	..	..
	Thonkwa	Moung Gyee, } Extra Asst., Commr, Loo Gyee, } Thonkwa ..	20	12	1	7
		,, Kyah Yoh, ditto, Pahpoon ..	42	31	3	5
		,, Shwe Myat, ditto, Shwe loung ..	25	12	..	13
		,, Hpo Kaw, ditto, Donabyoo ..	11	5	..	5
		Mr G D Godbier, } ditto, ,, J E. Moultrie, } Ma-oo bin ..	11	4	..	5
		Moung Gyee, ditto, Pantanaw ..	15	9	1	5
		Mr. T G. Mitchell, Assistant Commissioner, Yandoon ..	19	12	..	7

Division.	Name of district.	Number and description of Judge from whose decision appeal was preferred		Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees revised.
Pegu—concluded.	Henzada	Moung Bah To, Extra Assistant Commissioner,	Kyangheen ..	10	7	1	2
		,, Hpai, ditto,	ditto ..	27	20	2	4
		,, Ba Wa, ditto,	Zaloon ..	39	26	2	4
		,, Koo, ditto,	Tsanuay ..	9	5	1	4
		,, Hpo Han, ditto,	Tahpoon ..	1	1	..	..
		,, Hpan, ditto,	Momo ..	2	2	..	..
		,, Myat, ditto,	Mengyee ..	3	3	..	..
		,, Min Gyaw, ditto,	Opho ..	14	14	3	..
		,, Shwe Yin, ditto,	Henzada ..	138	97	12	26
		Mr Richardson Senior ditto,	Myanoung ..	11	9	1	1
	Tharrawaddy.	Moung Phaw, Extra Assistant Commissioner,	Momo ..	8	7	..	1
		,, Hpo Han, ditto,	Tahpoon ..	6	5	..	1
		,, Koo, ditto,	Tsanuay ..	17	9	2	4
		,, Myet, ditto,	Mongyee ..	7	4	..	2
		Mr. E S Symes, Assistant Commissioner,	Tharrawaddy ..	5	4	1	..
	Prome.	Moung Hmai, Extra Assistant Commissioner,	Shwe doung ..	1	..	..	1
		,, Tha Doon Oo, ditto,	ditto ..	3	1	..	2
		,, Oh, ditto,	Shwe lay ..	6	4	..	1
		,, Gouk ditto,	Poungday ..	57	40	1	13
		,, Tsaw Naw ditto,	Mahathaman ..	23	10	..	1
		,, Shwe Hline, ditto,	Prome ..	9	5	2	..
		,, Htine, ditto,	do. ..	63	36	11	4
		Mr K G Burne, Assistant Commissioner,	do ..	3	..	..	2
		,, P C. H. Snow, ditto,	Poungday ..	21	8	3	6
		,, F S Copleston, ditto,	Padoung ..	5	4	1	..
		,, K G. Burne, ditto,	do. ..	9	2	..	5
	Thayetmyo.	Moung Louk, Extra Assistant Commissioner,	Kama ..	21	13	3	2
		,, Louk, ditto,	Thayetmyo	5	3	..	..
		,, Tetto, ditto,		21	11	5	4
		,, Tett Phyoo, ditto,	Meaday ..	32	18	3	8
		,, Tsouk, ditto,	Mendoon ..	27	14	..	9
		Mr. H. Adamson, Assistant Commissioner	Thayetmyo ..	7	5	2	..
		Major C. O'L. L. Prendergast, do		6	3	..	..
		Mr P. C H Snow do.		3	2	1	1
		,, P C H. Snow, Captain C A Cresswell, Asst. Commr.,	Allanmyo ..	1	1	..	..
				2	1	1	..
		Mr K G. Burne, ditto	Prome ..	1	..	..	..
Tenasserim.	Amherst.	Moung Pai Hlaw, Extra Assistant Commissioner, 3rd class	..	2	2	..	..
		,, Shwe Gyoke, ditto,	ditto ..	3	2	..	1
		,, Tsan Yah, ditto	ditto ..	1	..	..	1
		,, Deepah, ditto,	ditto ..	6	3	..	2
		,, Oh, ditto,	ditto ..	7	4	1	2
		,, Wet Galay, ditto,	ditto ..	13	6	..	5
		,, Pho, ditto,	ditto ..	13	11	..	2
		,, Khin, ditto,	ditto ..	4	3	..	1
		,, Tsoung, ditto,	ditto ..	19	13	..	3
		,, Oung, ditto,	ditto ..	16	8	1	5
		,, Oh, ditto,	2nd class ..	3	2	..	..
		Mr F. W Fox, Assistant Commissioner	..	4	2	..	2
		Lieutenant B A N Parrott, Assistant Commissioner	..				
		Mr J C Davis, ditto	..	5	2	1	2
		,, F S. Copleston, ditto.	..				
	Shwegyeen	Moung Shwe Go, Extra Assistant Commissioner, 3rd class	..	6	3	..	2
		,, Taw, ditto,	ditto ..	17	10	..	2
		,, Tha Nyo, ditto,	ditto ..	11	5	1	2
		,, Hpo Oung, ditto,	ditto ..				
		,, Shwe Hmo, ditto,	ditto ..	37	26	2	7
		,, Myat Min, ditto,	ditto ..	42	26	..	12
		Mr A M B Irwin, Assistant Commissioner,	ditto ..	11	6	1	4
		,, C. D. S. Christopher, Extra Assistant Commissioner, 3rd class	..				
		,, J. E Bridges, Assistant Commissioner	..	4	3	..	1
	Toungoo.	Moung Pho, Extra Assistant Commissioner, 3rd class	..	1	1	..	..
		,, Pan Nyo, ditto,	ditto ..	2	1	..	1
		,, Shwe Moung, ditto,	ditto ..	2	1	..	1
		,, Tsan Wah, ditto,	ditto ..	19	12	2	4
		,, Dway, ditto,	ditto ..	..	..	..	..
		,, Shwe Att, ditto,	ditto ..	13	8	3	2
		,, Shwe Myat, ditto,	ditto ..	8	5	1	2
		,, Htine, ditto,	1st class ..	10	7	1	2
		,, Pho, ditto,	2nd do. ..	39	22	10	6
		Mr. E S Symes, Assistant Commissioner	..	..	..	..	..
		,, A M B. Irwin, ditto	..	12	9	..	3

Division.	Name of district.	Name and description of Judge from whose decision appeal was preferred.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees revised.
Tenasserim—(concluded).	Tavoy.	Moung Phaw, Extra Assistant Commissioner, 3rd class ..	7	3	2	2
		,, Phet, ditto, ditto ..	27	17	..	10
		,, Shwe Boo, ditto, ditto ..	37	28	3	6
		,, Galay, ditto, 2nd class ..	31	20	3	8
	Mergui.	Moung Shwe Att, Extra Assistant Commissioner, 2nd class ..	43	22	3	13
		,, Htoon Oung, ditto, 3rd class ..	..	..	..	..
		,, Myat Htoo, ditto, ditto ..	2	1	..	1
		,, Shwe Poh, ditto, ditto ..	..	..	..	..
		,, Tsain Yone, ditto, ditto ..	..	..	..	..
	Salween.	Moung Naw, Extra Assistant Commissioner, Pahpoon ..	2	..	..	2
		Total ..	*1,851	*1,085	150	439
		In 1877 ..	1,486	840	147	399

* Seven pending in the Henzada district from last year.

† Eleven appeals dismissed for defalut (nine by Deputy Commssioner, Rangoon, one by Deputy Commissioner, Amherst, and one by Deputy Commissioner, Tavoy) have been shewn in the column confirmed; hence the difference between this figure and figures in columns 8 and 11 of Judicial Statement 9.

The subjoined tabels shews the work of the appellate Courts :—

Division.	Class of appellate Court and name of presiding Judge.	Number of appeals on the files including those pending from last year and revised by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number revised or modified.	Number remanded for re-decision by lower Court.	Number left pending. For more than four months.	Number left pending. Total pending.	Average duration of appeals.
Arakan.	Mr. R. F. St. A. St. John, Deputy Commissioner, Akyab	75	2	25	26	3	..	19	20
	Captain J. Butler, Deputy Commissioner, Akyab ..	7	..	2	..	..	..	5	
	Mr. C. J. A. Duke, ditto, Kyouk-hpyoo	22							24·97
	Captain J. Butler, ditto	28	3	52		..	..	6	
	,, G. Alexander, ditto	37			26				
	Colonel C.P. Hildebrand, ditto, Sandoway..	72	1	42	23	3	..	3	24·38
	Lieutenant-Colonel E. B. Sladen, Commissioner ..	2	..	2	..	..	..	..	
	Major W. C. Plant, ditto ..	1	..	1	..	..	..	..	27·
	Mr. G. J. S. Hodgkinson, Offg. ditto ..	..	..	..	..	..	..	..	
	Commissioner of Arakan.	4	..	2	1	..	..	1	
Pegu.	Major H. R. Spearman, Deputy Commr., Rangoon.	86	7	51	24	4	..	..	24·
	Mr. W. deCourcy Ireland, do., do. ..	32	2	7	5	..	1	18	
	Deputy Commissioner, Thonkwa	143	..	88	52	..	..	3	36·5
	Ditto, Bassein	251	1	131	104	..	..	15	31·
	Ditto, Henzada	261	..	184	63	14	..	..	24·
	Ditto, Tharrawaddy	43	..	29	11	..	..	3	·23
	Ditto, Prome	200	..	110	56	8	..	26	21·2
	Ditto, Thayetmyo	126	2	71	39	12	..	2	32·77
Tenasserim.	Deputy Commissioner, Amherst	96	1	57	29	2	1	7	16
	Ditto, Shwe-gyeen	128	4	79	34	6	2	5	25
	Ditto, Toungoo	106	..	66	38	1	..	1	9
	Ditto, Tavoy	104	1	67	34	..	..	2	8
	Ditto, Mergui	45	..	23	17	..	..	5	8
	Assistant Commissioner, Salween	2	..	..	2	..	..	..	6
	Commissioner of Tenasserim division ..	3	..	..	..	1	1	2	15·2
	Total ..	1,874	24	1,089	584	54	..	123	27·24
	In 1877 ..	1,518	21	852	560	42	..	42	..

NOTE.—Four miscellaneous appeals in the Commissioner's Court against orders are included in this statement; also six appeals presented to Commissioner, hence the difference between this and the foregoing statements (*see* Judicial Statement No. 9).

9. The number of appeals increased from 1,486 in 1877 to 1851 in 1878. Of these in 1,085 the judgments were confirmed, and in 589 modified or reversed. In round numbers, the appeals preferred were seven per cent. of appealable cases.

Appeals

The next table shews the appeals preferred from the decrees of the Deputy Commissioners in original suits :—

Division.	Name of Deputy Commissioner from whose decision an appeal was made.	Number of decrees passed by the Deputy Commissioner in original cases.	Number of decrees confirmed by Commissioner on appeal.	Number of decrees modified	Number of decrees revised.
Arakan	Mr R F St A. St. John, Deputy Commissioner, Akyab	2	1	..	..
Arakan	Colonel C. P Hildebrand, Deputy Commissioner, Sandoway	3	1	..	..
Tenasserim	Deputy Commissioner, Toungoo	5	..	..	1
	Total ..	10	2	..	1
	In 1877 ..	41	3	..	3

The next table shews the financial result of the rules framed under section 20 of the Court Fees Act, regulating the fees chargeable for serving processes and remuneration of peons of the civil Courts :—

Division	Name of district.	Number of processes issued	Receipts from process fees	Charges, including salaries of process-servers, contingencies, &c.
			Rs A P	Rs A P.
Arakan.	Akyab	8,373	7,642 8 0	5,964 12 1
Arakan.	Kyouk hpyoo	4,014	3,309 8 0	2,757 14 0
Arakan.	Sandoway	1,955	1,639 8 0	1,093 8 0
Pegu.	Rangoon	6,878	6,062 8 0	5,704 12 0
Pegu.	Thonkwa	10,046	8,486 0 0	5,066 14 8
Pegu.	Bassein	15,365	12,592 0 0	7,748 15 4
Pegu.	Henzada	10,875	9,952 12 0	7,322 6 4
Pegu.	Tharrawaddy	5,875	4,847 0 0	3,239 14 9
Pegu.	Prome	10,089	8,251 0 0	4,651 14 4
Pegu.	Thayetmyo	5,207	4,657 8 0	2,880 2 0
Tenasserim.	Amherst	5,569	4,909 0 0	4,894 9 0
Tenasserim.	Shwe-gyeen	4,031	3,662 0 0	2,820 10 5
Tenasserim.	Toungoo	5,290	5,455 8 0	2,814 8 0
Tenasserim.	Tavoy	2,459	1,895 8 0	1,907 12 0
Tenasserim.	Mergui	1,811	1,613 0 0	1,539 10 0
Tenasserim.	Salween	85	79 8 0	23 8 0
Tenasserim.	Town of Moulmein	10,704	12,144 8 0	3,246 5 0
	Total ..	108,626	97,302 4 0	63,080 15 11
	In 1877 ..	97,381	87,907 0 0	61,862 0 8

10. This year shews an increase in the number of processes, amounting to Rs. 11,295.

Financial result of serving processes.

The receipts from process fees increased by Rs. 9,395, and the surplus amounted to Rs. 33,621, as compared with Rs. 26,045 last year. Tavoy alone showed a deficit, but it was only of Rs. 12-4-0.

The following table shews the number of regular appeals decided in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeals admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	*Deputy Commissioners.*								
	Mr. R F. St. A. St John, Akyab	8	2	..	2	..	..	4	4
	,, C J. A. Duke, Kyouk-hpyoo	1	1	..	..	..	..	1	..
	Colonel C. P. Hildebrand, Sandoway ..	4	..	..	3	..	..	3	1
	Commissioners.								
	Lieut.-Colonel E. B. Sladen, Arakan division ..	2	1	..	1	..	..	2	..
	Major W. C. Plant, do. do. ..	1	..	..	..	..	..	..	1
Pegu.	*Deputy Commissioners.*								
	Major H. R. Spearman, Rangoon	14	3	1	3	..	..	7	7
	Captain J. Butler, Thonkwa	4	1	..	3	..	..	4	..
	Major G. E. Fryer, do.	20	7	..	5	..	..	12	8
	Colonel H. N. Davies, Bassein ..	1	..	..	1	..	..	1	..
	Mr. G. D. Burgess, do.	15	4	..	5	..	..	9	6
	,, J. K. Macrae, Henzada	15	3	..	9	..	..	12	3
	,, G. L. Weidemann, Henzada	1	..	..	..	..	..	..	1
	,, C J. F. S. Forbes, Tharrawaddy ..	2	..	..	1	..	..	1	1
	Colonel A. R. McMahon, Prome	10	2	..	8	..	..	10	..
	Major W. C. Plant, do.	14	..	..	2	..	..	2	12
	Mr. A. O. Brown, do.	3	..	..	..	..	..	..	3
	Major W. C. Plant, Thayetmyo	2*	..	..	1	..	..	1	..
	Colonel H. N. Davies, do.	5	1	..	1	..	..	2	3
Tenasserim.	*Deputy Commissioners.*								
	Lieut.-Colonel A. G. Duff, Amherst	3	..	..	2	..	..	2	1
	Mr. J. K. Macrae, do.	2	..	..	..	..	..	..	2
	,, A. Hough, Shwe-gyeen	5	3	..	2	..	..	5	..
	,, C. J. F. S. Forbes, Shwe-gyeen	2	..	..	1	..	..	1	1
	,, A. O. Brown, do.	4	1	..	..	..	..	1	3
	Major H. A. Gower, do.	2	..	..	..	..	..	..	2
	Mr. H. Buckle, Toungoo	1	..	..	1	..	..	1	..
	Major G. A. Strover, Toungoo	6	..	..	4	..	..	4	2
	Mr R. A D. Perreau, Tavoy	1	1	..	..	..	..	1	..
	Colonel E. J. Spilsbury, do.	2	..	..	..	..	..	..	2
	Total ..	150†	30	1	55	..	..	86	68
	In 1877 ..	116	37	5	51	2	1	96	20

* One compromised.

† Of these, seven were from the decrees of the Deputy Commissioners in the Pegu division in original cases.

The next table shews the miscellaneous appeals, *i. e.*, appeals from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified	Decision confirmed	Remanded.	Total disposed of.	Pending.
Pegu ..	Major H. R. Spearman, Deputy Commissioner of Rangoon	..	..	1	..	1	..
	Total ..	..	..	1	..	1	..
	In 1877 ..	..	..	1	..	1	..

Judicial Commissioner's Court.

11. The appellate work of the Judicial Commissioner again shews an increase, 150 appeals having been instituted in the year under review, as compared with 116 in 1877 and 88 in 1876. Eighty-six appeals were disposed of. In the case of 30, the judgment was reversed, and 55 judgments were affirmed. Of the 63 cases pending at the close of the year, there are now nine cases awaiting decision. A number of appeals were filed about the same time in the last quarter, and the translation department was unable to prepare the cases for hearing so as to admit of rapid disposal.

The number and result of references to the Court of the Judicial Commissioner is shewn in the annexed table:—

Division	In accordance with para. 8 of Government of India notification No 884, dated 12th August 1868.	Under section 617, Act X of 1877.	Under section 25, Act XVII of 1875.	Under section 29, Act XVII of 1875	Under section 34, Act XVII of 1875	Total.	Court making the reference	Rulings adverse to the opinion of referring Court	Rulings in concurrence with opinion of referring Court.	Heard as appeals under section 34, Act XVII of 1875	Total disposed of.	Pending
ARAKAN		1	1			2	Deputy Commissioner, Akyab	1	1		2	.
		2				2	Ditto, Kyouk-hpyoo				1	
PEGU			1			1	Ditto, Rangoon		1		1	
		1				1	Ditto, Thoukwa		1		1	
			1	4		5	Ditto, Henzada		3		3	1
		1	1	1		3	Ditto, Prome		3		3	
			1			1	Ditto, Thayetmyo				.	1
TENASSERIM				1		1	Ditto, Amherst		1		1	
			2	4		6	Ditto, Shwe gyeen	1	4		3	3
		.	2			2	Ditto, Toungoo	2			2	
			1			1	Commissioner of Tenasserim					1
MANDALAY	1					1	Resident at Mandalay					1
Total	1	5	10	10		* 26	Total	4	12		17	7
In 1877			6	7	.	13	In 1877	3	5	2	10	3

* Two references returned without any opinion

References.

12. The number of references increased from 13 to 26. Twelve references were decided in accordance with the opinion of the Court making the reference, four adverse to that opinion, and seven were left pending.

13. Mr. Sandford was Judicial Commissioner from 1st January to 21st February 1878, when Mr. Jardine took over charge. I succeeded him on the 1st December 1878, and have therefore had scarcely any share in the judicial administration of the year under review.

14. The Small Cause Court of Bassein was established at the commencement of the year, and disposed of 285 suits out of 288 instituted.

15. The Special Court decided against the legality of the grant of probate and of letters-of-administration to Buddhists under section 331 of the Indian Succession Act; and the question of whether a Burman can dispose of his property by will is now before that Court.

16. There are 417 Advocates in the Courts under the Judicial Commissioner, and 30 entitled to practice in the Judicial Commissioner's Court, of whom 11 are Barristers-at-Law.

R. J. CROSTHWAITE,

Offg. Judicial Commissioner.

BENGAL

PART III.

Courts under the supervision of the Commissioner of the Arakan Division.

Form G. J. S. HODGKINSON, Esq., B.C.S., Officiating Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 70, dated the 10th February 1879.

I HAVE the honour to submit the Annual Report on the Administration of Civil Justice of the Hill District of Arakan for the year 1878.

2. The following papers are submitted in original :—

I.—Report of the Superintendent on the Administration of Civil Justice of the Hill District of Arakan for the year 1878, with statements Nos. 6 to 8.
II.—General statement No. 1.

3. There has been no change in the constitution of the Court during the year.

4. The total number of suits instituted in this district during the year was 49, against 64 in 1877, shewing a decrease of 15 suits. The decrease occurred both in the Court of the Deputy and Extra Assistant Commissioners. In the Court of the Deputy Commissioner, the number fell from 16 to 11 ; and in the Court of the Extra Assistant Commissioner, from 48 to 38.

Suits instituted.

The Deputy Commissioner attributes this decrease "to the fact that, wherever practicable, cases are referred to the decision of the influential Chiefs,—a procedure which is popular with, and appreciated by, the wild and semi-barbarous tribes with whom we have to deal. It is a practice moreover which tends to secure the aid of the influential Chiefs of the country in the administration, and to which Government attach much importance. The awards passed, and decisions given, are, as a rule, in accordance with equity and morality, though, in the case of interest decreed, it has from time immemorial been the custom of the Chiefs to decree *twice* the principal ; and this had to be checked, as opposed to equity and calculated to increase the indebtedness of the masses, which in past years led to the system of debtor-slavery being universal throughout the hills."

The adoption of the procedure described is, in my opinion, every way salutary ; and on this point I am so far from agreeing with Colonel Sladen in his remarks on last year's report, that I would gladly, if it were possible, have this more primitive system of justice resorted to in more advanced districts, where our too hastily introduced civilization has tended far more to the advantage of blood-sucking and not very honest law agents than to justice and the public weal.

The Hill tribes are not at present a litigious race ; and it certainly should not be our policy to introduce into their character a feature which is an unmitigated curse to very many of our Indian subjects. At the same time, I think some simple rules might be laid down, which might lead to arbitration being conducted under the sanction of the Courts, and effect being given by them, when called upon, to the decision of the arbitrators. I have asked Major Hughes to let me have the advantage of his opinion and experience on this point.

The following table shews the number of suits filed by verbal complaints and those filed by written plaints:—

Tribural.		By verbal complaint.	By written complaint.	Total.
Deputy Commissioner's Court ...	1877 ...	13	3	16
	1878 ...	2	9	11
	Increase ...	...	6	...
	Decrease ...	11	...	5
Extra Assistant Commissioner's Court...	1877 ...	12	36	48
	1878 ...	1	37	38
	Increase ...	...	1	...
	Decrease ...	11	...	10
	Total 1877 ...	25	39	64
	1878 ..	3	46	49
	Increase ...	...	7	...
	Decrease ...	22	...	15

Subject-matter of suits.

5. The largest number of suits in 1877 was for goods sold; but litigation under this head fell from 20 in 1877 to 11 in 1878, when the largest number was for money due on unwritten obligations. This rose from 20 to 31.*

Next come suits for dissolution of marriage or enforcement of matrimonial rights. Suits under this head also fell from 13 to seven.

There were no suits instituted for damages and for recovery of rent, not falling under the rent law, though 11 cases of this nature were disposed of during the previous year. No explanation has been given in the district report on the falling off of litigation under these two heads.

Value of suits.

6. With the decrease in the number of suits, there has been also a decrease in the total value of suits, which fell from Rs. 4,357 to Rs. 1,930, or 55 per cent. All the suits instituted and disposed of during the year were of a nature cognizable by a Court of Small Causes.

With the exception of an increase in suits of Rs. 5 and under in value, there was a decrease under every other head.

Suits ranging in value from Rs. 100 to Rs. 500 fell from nine to five; suits between Rs. 20 and Rs. 100 in value fell from 33 to 17; and suits between Rs. 5 and Rs. 20 fell from 18 to six.

Suits disposed of.

7. Out of 49 suits brought on the file for disposal, seven, or 14 per cent., were contested, while 42 suits, or 86 per cent., were disposed of without contest.

Out of the number decided on contest, six were decreed in favour of plaintiffs, against 22, and only one in favour of defendants, against two in 1877.

Out of 42 suits decided without contest, 22 were decreed on confession, 10 cases compromised, and 10 cases dismissed for default.

It is quite evident from the figures that the suits instituted and disposed of have been rarely contested. As stated by the Deputy Commissioner in the district report, the defendant almost always acknowledges the claim in full or in part made against him.

* Includes suits for money had and received.

Pending cases.

8. There were no cases pending at the close of the year.

Duration of suits.

9. An improvement is observable in the Court of the Deputy Commissioner in the average duration of contested cases, *viz.*, two days in the year of report, against 15 days in 1877; while in the Court of the Extra Assistant Commissioner the duration is four days, being the same as in the previous year.

Uncontested cases also in the Court of the Deputy Commissioner shew an average duration of one day, against two in the previous year; but in the Court of the Extra Assistant Commissioner, the average duration in the year of report is four days, against two in 1877. Major Hughes, the Deputy Commissioner, has offered no explanation of this.

Execution of decree.

10. Only one application was made for execution of decree in the Court of the Deputy Commissioner; while there was none in the Court of the Extra Assistant Commissioner, against one in last year.

Appeals.

11. No appeals were preferred either to the Court of the Deputy Commissioner or to the Court of the Commissioner of Arakan during the year.

Character of officers.

12. Major Hughes has acted as Deputy Commissioner and Superintendent of Hill Tracts throughout the year. As I have been only about two months in charge, it is difficult for me to offer an opinion on the administration of a tract of country which presents to me entirely new features. But I repeat with confidence the following remarks made by Colonel Sladen, late Commissioner of Arakan, and can personally testify to the great and very intelligent interest which Major Hughes evinces in everything which relates to the development of the resources of his district, and the security and well-being of its inhabitants :—

"No one knows better than he does the wants of the people; and his constant care has been to see at all times that justice is done to them, both within and beyond the limits of our Courts of justice."

Mr. Hardinge was Extra Assistant Commissioner, or Assistant Superintendent, up to 24th September 1878, and Moung Shwe Hnya from that date to the end of the year. The Deputy Commissioner in his report says "the judicial character of the Extra Assistant Commissioner is good."

From Major W. G. HUGHES, M.S.C., Superintendent of Hill Tracts, Northern Arakan, to the Officiating Commissioner of the Arakan Division,—dated the 1st January 1879.

I HAVE the honour to forward the Annual Report on the Administration of Civil Justice for the District of Northern Arakan for the past year.

2. The subjoined tables shew the number of cases instituted in different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with the similar results for the preceding year.

Class and locality of Court, and name of presiding Judge.	Instituted		Disposed of		Pending at close of year.	
	Previous year.	Year of report.	Previous year.	Year of report.	Above four months.	Total Pending.
Shwe Hnya, Extra Assistant Commissioner, 3rd class, 3rd grade.	48	38	48	38	..	..
Major W. G. Hughes, Deputy Commissioner.	16	11	16	11	..	..
Total ..	64	49	64	49	..	..
Increase ..	..	..	..	..	..	..
Decrease ..	..	15	..	15	..	..

There was consequently a decrease of 10 cases in the Court of the Assistant Superintendent, Hill Tribes, and of five in the Court of the Deputy Commissioner, as compared with

the previous year. The decrease is attributable to the fact that, wherever practicable, cases are referred to the decision of the influential Chiefs,—a procedure which is popular with, and appreciated by, the wild and semi-barbarous tribes with whom we have to deal. It is a practice moreover which tends to secure the aid of the influential Chiefs of the country in the administration, and to which Government attach much importance. The awards passed, and decisions given, are, as a rule, in accordance with equity and morality, though in the case of interest decreed, it has from time immemorial been the custom of the Chiefs to decree *twice* the principal; and this has had to be checked as opposed to equity, and calculated to increase the indebtedness of the masses, which in past year lead to the system of debtor-slavery being universal throughout the Hills.

The next table shews the character of original litigation in the different classes of Courts.

Class and locality of Court, and name of presiding Judge.	Number of suits.												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages on account of torts.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or enforcement of matrimonial rights.	Remarks.
Shwe Hnya, Extra Assistant Commissioner, 3rd class 3rd grade.	..	18	..	10	4	..	..	..	..	..	..	2	4
Major W. G. Hughes, Deputy Commissioner.	..	1	..	2	7	..	..	..	..	..	..	1	..
Total..	..	19	..	12	11	..	..	..	..	..	..	3	4

With reference to table 2, it will be observed, as has been the case in previous years, that none of the suits instituted in the civil Courts during year of report were based on *written* contract, for, as observed in former annual reports, only about 200 of the population forming the Hill Tracts can read or write. The character of the litigation is sufficiently detailed in the above statement, and calls for no remark.

3. The value of original suits was as follows:—

Class and locality of Court, and name of presiding Judge.	Number of suits disposed of, value not exceeding rupees							Above Rs. 1,00,000.	Total value of suits.
	5.	20.	100.	500.	1,000.	10,000,	1,00,000.		
									Rs. A. P.
Shwe Hnya, Extra Assistant Commissioner, 3rd class, 3rd grade.	18	6	12	2	..	..	..	..	887 10 6
Major W. G. Hughes, Deputy Commissioner.	3	..	5	3	..	..	..	..	1,043 2 0
Total ..	21	6	17	5	..	..	..	..	1,930 12 6

The value of suits aggregated Rs. 1,930-12-6, and were all of a nature cognizable by a Court of Small Cause.

4. The manner in which the litigation was disposed of in the several Courts is shewn.

Class and locality of Court, and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
										Judgment for plaintiff in whole or in part.	Judgment for defendant.			
Shwe Hnya, Extra Assistant Commissioner, 3rd class, 3rd grade.	38	..	..	9	..	7	17	..	..	4	1	38	..	..
Major W. G. Hughes, Deputy Commissioner.	11	..	..	1	..	3	5	..	..	2	..	11	..	..
	49	..	..	10	..	10	22	..	..	6	1	49	..	..

The absence of contested cases in table 4 is worthy of notice, as the defendant generally acknowledges the claim in full or in part; and a fair inference from the above is that the Hill population in not so far a litigious race, or one who enter upon cases other than *bonâ-fide*.

5. The average duration of suits in each Court of original jurisdiction was as follows :—

Class and locality of Court, and name of presiding Judge.	Average duration of suits.			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Shwe Hnya, Extra Assistant Commissioner, 3rd class, 3rd grade.	4·	2·3	4·7	4·16
Major W. G. Hughes, Deputy Commissioner ..	1·5	2·7	2·5	1·

Table 5 calls for no remarks.

6. The next table shews the number of applications for execution, and the degree in which the applications were satisfied.

Class and locality of Court, and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decrees completly executed.	Decrees partially executed.	Pending at close of year.
Shwe Hnya, Extra Assistant Commissioner, 3rd class, 3rd grade.	..	..	..	..
Major W. G. Hughes, Deputy Commissioner.	1	1	..	..

7. Processes of execution were issued as follows :—

Name of district.	Mode of execution.						
	Delivery of possession.	*Persons.*	*Moveable property.*		*Immoveable property.*		Orders under section 305, Civil Procedure Code.
		Imprisonment of.	Attached.	Sale.	Attached.	Sale.	
Shwe Hnya, Extra Assistant Commissioner 3rd class, 3rd grade.	..	..	..	..	..	..	..
Major W. G. Hughes, Deputy Commissioner.	1	..	..	..	1	..	..
Total..	1	..	..	..	1	..	..

8. The subjoined table shews the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts, and the proportion in which the decrees appealed against were upheld.

Name of Extra Assistant or Assistant Commissioner.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversals and modifications to appeals preferred.
....	..	..	..	..	..

9. The judicial character of the only subordinate Judge to the Deputy Commissioner, viz., the Extra Assistant Commissioner, also termed the Assistant Superintendent, Hill Tribes, is good.

10. Records of cases have been examined, and useless paper destroyed.

W. G. HUGHES, MAJOR,

Superintendent of Hill Tracts.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.—Judicial.

1.—*Shewing the various Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1878.*

Class of tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualifications of Judges previous to appointment.	Total number of Judges. European. Covenanted.	Total number of Judges. European. Commissioned Military Officers.	Total number of Judges. European. Uncovenanted.	Total number of Judges. Native.	Average annual salary of each paid Judge. European.	Average annual salary of each paid Judge. Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Number of cases decided during the year. Civil.	Number of cases decided during the year. Revenue.	Number of cases decided during the year. Appeal.
												Rs.	Rs.	Rs. A.								
Small Cause Courts confined to proper functions. Second Judge. Paid.	1	...	...	1	1 Judge	Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes.	...	...	..	...	1	...	6,000	9,111 8	8,737	...	216	33	Reg. Misc.	1,746 1,846	...	...
						Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof.																
Small Cause Courts confined to proper functions. First Judge. Paid.	1	...	...	1	Ditto	Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein.	...	...	...	1	...	10,800	...	17,583 0	30,968 8	...	213	16	Reg. Misc.	3,261 2,290	...	...
						Powers of a District Judge.																
						Powers of a District Judge under the Indian Divorce Act throughout British Burma.																
						Powers of a High Court in respect of the Court of Small Causes, Rangoon.																

						Criminal. Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon. Criminal appellate jurisdiction. Powers of a High Court for the trial of European British subject throughout British Burma. Powers of a High Court in respect of the Magistrates of the town of Rangoon.																
Assistant Magistrate of Kemendine exercising criminal powers. Paid.	1	•...	...	1	1. 2nd class powers.	......	...	...	..	...	1	...	4,200	4,732	0	262	...	173	9	249	...	...
Assistant Magistrate of Rangoon exercising criminal powers. Paid.	1	45	106,644	1	1. 1st class powers, Justice of Peace.	......	...	...	...	1	...	6,000	...	6,000	0*	1,122	Member of Cantonment Committee.	287	19	2,341	...	...
Town Magistrate of 1st class exercising criminal powers. Paid.	1	...	...	1	1. District Magistrate and Justice of the Peace.	......	...	...	1	...	...	12,000	...	24,209	0	675	Collector of Revenue; President of Municipal, Hospital, and Dalhousie Park Committees; official Visitor, Central Jail and Lunatic Asylum, Rangoon.	211	19	566	...	...
Recorder of Rangoon exercising original, civil, criminal, admiralty, and insolvency jurisdictions.	1	...	...	1	1. Judge and five Jurors.	......	Barrister of not less than five years' standing.	...	...	1	...	30,000	...	44,512	13	45,824	One of the Judges of the Special Court.	Every day, Sundays and authorized holidays excepted.	13	As a Court of Sessions 64; Ditto High Court 5	Regular and admiralty ... 204; Miscellaneous ... 245; Insolvency ... 20; Total ... 478	...
Total ...	6	...	...	6	6			...	1	3	2	58,800	10,200	1,06,148	6	...		...	...	...	...	...

60 criminal appeals and revisions.

* The establishment and contingencies of this Court are included in the Town Magistrate's Court, as there is no separate establishment.

B.—Judicial.

6.—(Civil).—Statement shewing the number and description of Civil Suits instituted in the Civil Courts of the Town of Rangoon in the year 1878.

Class of Tribunals.	Suits for money, distinguishing suits up to Rs. 500, cognizable by Small Cause Courts from "other cases."																Other suits.										
	On written objection.		On unwritten objection.		On account stated.		Money had and received.		Goods sold.		Breach of contract not mentioned above.		Rent not falling under the rent law.		Moveable property, or value thereof.		Damages.		Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.											
Recorder's Court, Rangoon	1	70	...	9	...	9	...	3	...	5	...	4	...	2	...	..	1	10	4	6	37	3	8	...	...	*18	10	...	.	.
Courts of Small Causes, Rangoon—																														
Court of the First Judge	1,446	111	818	12	14	1	139	8	359	5	25	3	170	1	83	5	34	..	...	...	...	...	...	...	...	...	...	...	...	...
Court of the Second Judge	662	...	447		34	...	...	...	335	...	7	...	235	...	57	...	21	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	2,069	181	1,265	21	48	10	139	11	694	10	32	7	405	3	140	5	56	10	4	6	37	3	8	...	...	18	10	...	...	...

* One shewn as matrimonial case in statement No. 8.

7.—(Civil).—Statement shewing value of Suits disposed of in the Civil and Revenue Courts of Town of Rangoon in the year 1878.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Small Cause Court, 2nd Judge.	Small Cause Court, 1st Judge.	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts.	Superior Courts: Recorder's.		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P.	
Not exceeding 5	155	59	...	...		824 3 8	
Ditto 20	575	762	...	...	1	17,715 7 10	26 cases, with no estimated value, were disposed of.
Ditto 100	744	1,496	..	...	1	1,10,997 12 1	
Ditto 500	272	783	...	..	16	2,33,957 6 9	
Ditto 1,000	...	161	..	...	15	1,28,977 13 2	
Ditto 5,000	..	..	.	...	118	2,42,048 9 10	
Ditto 10,000	..	...	...	...	19	1,37,242 0 6	
Ditto 1,00,000	.	..	...	..	8	1,77,231 6 5	
Exceeding 1,00,000	..	...	...	...		..	
Total	1,746	3,261	..	..	178	1,048,994 12 3	

B.—Judicial.

8.—(Civil).—Statement shewing the general result of the trial of Civil Suits in the Court of Original Jurisdiction in the Town of Rangoon in the year 1878.

Class of Courts.	Suits remaining from last year, 1877.	Instituted in 1878.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested.		Total disposed of.	Pending 1878.	Over two months	Over four months	Average duration of suits.		Referred to arbitration.	Remarks.
													Judgment for plaintiff in whole.	Judgment for defendant.					Contested.	Uncontested.		
Small Cause Courts — 2nd Judge ...	39	1,758	...	1,797	36	12	426	2	47	283	672	4	175	89	1,746	51	1	...	11	9	.	
Small Cause Courts — 1st Judge . ..	155	3,198	36	3,389	...	2	502	45	188	348	1,162	20	623	371	3,261	128	8	4	24	15	...	
Superior Courts of General Jurisdiction. Recorder's Court	19	199	..	218	1	3	14	9	12	6	59	...	70	27	201	17	...	4	60½	42¾	.	
Superior Courts of Special Jurisdiction — Admiralty	1	2	..	3	...	...	...	...	...	..	..	.	1	2	3		...	...	...	.	...	
Superior Courts of Special Jurisdiction — Testamentary				...	...	.	..	..	...	...	...	..	..	..	...	.	..	...	...	...	...	
Superior Courts of Special Jurisdiction — Matrimonial ..	..	1	.	1	..	...	...	.	..	..	..	...	...	.	...	1	.	..	...	..	..	
Superior Courts of Special Jurisdiction — Insolvent .	3	39	.	42	..	...	10	..	...	...	..	...	...	...	29	13	..	...	...	..	..	
Total	217	5,197	36	5,450	37	17	952	56	247	637	1,893	24	869	489	5,240	210	9	8			..	

B.—Judicial.

9.—(Civil).—Statement shewing the business of the Civil and Revenue Appellate Courts exercising jurisdiction within the Town of Rangoon in the year 1878.—Blank.

10.—(Civil).—Statement shewing the execution of the Decrees of the Civil and Revenue Courts exercising jurisdiction within the Town of Rangoon in the year 1878.

Class of Courts.	Applications to execute decrees				Decrees completely executed.	Decrees partially executed.	Pending at the end of 1878.	Decrees executed by possession being given.	Nature and number of coercive processes issued.					Orders under section 243, Code of Civil Procedure.	Remarks.
	Pending in 1877.	Filed.	Received by transfer.	Total.					Imprisonment of person.	Moveable property. Attached.	Moveable property. Sold.	Immoveable property. Attached.	Immoveable property. Sold.		
Recorder's Court	6	93	31	130	47	31	14	1	13	6	11	31	18	...	Compromised ... ... 210 Executions on which no result was obtained . 914 Cases in which no applications were made to execute decrees received by transfer ...
Small Cause Courts .. Court of the First Judge .	49	1,513	20	1,582	668	116	53	...	137	239	73				
Small Cause Courts .. Court of the Second Judge.	29	604	...	633	179	96	10		77	29	28	..	...	.	
Total ..	84	2,210	51	2,345	894	243	77	1	227	274	112	31	18	..	

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

1.—Statement shewing the various Judicial Tribunals, Original and Appellate, existing in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1878.

Class of Tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	Total number of Judges. Europeans. Covenanted.	Total number of Judges. Europeans. Commissioned Military Officers.	Total number of Judges. Europeans. Uncovenanted.	Total number of Judges. Natives.	Average annual salary of each paid Judge. European.	Average annual salary of each paid Judge. Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Civil.	Revenue.	Appeal.
												Rs.	Rs.	Rs.								
Local and subordinate Magistrates exercising criminal powers only. Unpaid.	3	...	...	3	1 Judge	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	...	...	2	1	....	...	...	Rs. 2,09,429-8-10	Deputy Conservator of Forests.	...	...	70	...	...	...
Ditto ditto exercising criminal powers only. Paid.	2	...	...	2	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.	...	1	1	...	...	5,600	...	5,600		Captain, M.S.C.	...	4	230	...	...	...
Ditto ditto exercising civil and criminal powers only. Paid.	1	...	...	1	1 do.	Magistrate of the 1st class under section 20, Act X. of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.	...	...	1	...	...	2,400	...	2,400		Assistant Commissioner.	...	...	236	143	...	...
Ditto ditto exercising civil powers only. Paid.	2	...	...	2	1 do.	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under sections 12 and 13 of Act XVII. of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	...	...	...	2	...	4,800	10,218		.....	...	19	...	1,967	...	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	95	...	...	95	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act XVII. of 1875. Civil original jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII. of 1875, with revenue powers under the rules of the province.	...	6	...	2	87	7,600	15,988-8	1,91,076		.....	Sundays and holidays excepted.	3	14,312	22,183	6,720	...
Ditto ditto exercising criminal, civil, and revenue powers. Paid.	1	...	...	1	1 do.	Magistrate of the 3rd class under section 20, Act X. of 1872. Civil original jurisdiction of whatever value or amount under section 2(a) of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200	2,308		.....			22	30	...	...

Small Cause Courts confined to proper functions.	1	...	...	1	Both under Act XVII. of 1875. One Judge for both Courts. Jurors employed in Sessions' trials.	Civil original jurisdiction in civil suits up to Rs. 1,000, under section 12 of Act XVII. of 1875.	...	...	...	...	...	...	...	...	Rs. 2,99,422-8-10.	.....	Sundays and holidays excepted.	9	...	5,271	...	...
Court of the Judge of the town of Moulmein	1	...	...	1		Civil original sessions and criminal appeal under Act XVII. of 1875; also powers of a Small Cause Court, with jurisdiction up to Rs. 1,000, under section 12, Act XVII. of 1875.	...	...	...	1	...	16,560	...	26,788-4-0		Sessions Judge		7	25	541	...	4
Magistrates of 1st class exercising criminal powers only.	2	...	...	2	1 Judge	Magistrates of the 1st class under section 20, Act X. of 1872, and Justices of the Peace.	...	...	2	...	...	11,350	...	22,461-5-4		Presidents of the Municipal Committees.		10	2,226	...	...	...
Magistrates of 1st class exercising criminal, civil, and revenue powers.	12	...	...	12	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872, and Justices of the Peace. Civil jurisdiction up to Rs. 3,000 under Act XVII. of 1875. Revenue powers under the rules of the province.	...	4	4	3	1	16,772	12,000	2,95,198-9-0		.....		3	3,585	1,021	373	...
Magistrates of districts exercising criminal, civil, and revenue powers; as also special powers under section 36 of Act X. of 1872.	17	...	...	17	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872. Civil original jurisdiction in all suits, of whatever value or amount, with appellate civil powers over all Courts of grade (1) and of grade (2) as defined in section 12, Act XVII. of 1875. Revenue, original, and appellate powers as in the revenue rules of the province; also additional powers under section 36 of Act X. of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the Peace. One Judge, civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V. of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the Courts in his district under section 2 (b) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills Districts Laws Regulation, 1874.	...	2	11	4	...	16,335-10-5	...	...		.....		33	2,263	76	2,321	1,812
Sessions Courts	3	...	...	3	1 do. with Assessors in Sessions' trials	Powers of Court of Sessions under section 15 of Act X. of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief Courts of districts and Magistrates of the 1st class.	...	1	2	...	...	29,866	...	92,501	...	.....	...	5	169	1 Mis.	108	338
Court of the Judicial Commissioner.	1	...	...	1	1 Judge	Powers of a High Court.	...	1	...	...	...	30,000	...	43,104	4,446-12	.....	...	...	51	...	...	*698

* Civil 107; Criminal 174: Appeals at Court of Sessions 136; Revisions 281—Total 698.

ABSTRACT.

1 Judicial Commr.
3 Commissioners
1 Judge ...

4 Depy. Commrs., 1st grade
3 ditto, 2nd „
4 ditto, 3rd

3 Deputy Commissioners, 4th grade
1 Superintendent of Hill Tracts
5 Assistant Commissioners, 1st grade

6 Assistant Commissioners, 2nd grade
5 ditto, 3rd „
15 ditto, 4th „

7 Supernumerary Assistant Commissioners
1 Senior Extra Assistant Commissioner
5 Extra Assistant Commissioners, 1st class, 1st grade
4 ditto, 1st „ 2nd „
7 ditto, 2nd „ 1st „
8 ditto, 2nd „ 2nd „

26 Extra Asst. Commrs., 3rd class, 1st grade
24 ditto, 3rd „ 2nd „
37 ditto, 3rd „ 3rd „
2 Assistant Cantonment Magistrates.
3 Honorary Magistrates.

B.—JUDICIAL.

6.—(Civil).—Statement shewing the number and description of Civil Suits instituted in the Civil Courts of the Province of British Burma, exclusive of the town of Rangoon, in the year 1878.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 200, COGNIZABLE BY SMALL CAUSE COURTS, FROM "OTHER CASES."																SUITS UNDER THE RENT LAW.		OTHER SUITS.														REMARKS.
	On written objection.		*On unwritten objection.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the rent law.*		*Moveable property or value thereof.*		*Damages.*																		
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Arrears of rent with or without ejectment or cancelment of lease.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to religion and caste.	Dissolution of partnership.	Other suits.	
Paid sub-divisional-tribunals	3,475	146	4,014	16	340	6	1,140	10	3,190	6	1,686	16	222	...	3,090	22	3,946	17	2	1	1,792	80	31	31	11	1	10	879	103	127	5	10	...	
Chief Courts of district	...	16	...	3	3	...	1	2	...	...	...	2	...	...	3	6	2	...	...	...	5	...	...	1	...	...	..	1	...	...	2	...	1	
Judge's Court, Moulmein	...	99	...	1	...	2	...	2	...	1	...	4	...	...	...	3	...	3	...	...	7	3	...	...	...	..	...	...	6	...	...	...	17	
Judge's Court, Small Cause Side	2,081	...	297	...	11	...	113	...	472	...	339	...	20	...	91	...	13	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	
Small Cause Courts, Akyab, Thayetmyo, and Bassein ...	241	...	96	...	...	...	...	...	205	...	140	...	1	...	77	...	4	...	...	...	...	...	...	...	...	...	...	1	...	...	...	1	...	
Total ...	5,797	261	4,407	20	354	8	1,253	14	3,867	7	2,165	22	243	...	3,261	31	3,965	20	2	1	1,804	83	31	32	11	1	10	881	109	127	7	11	23	28,823

B.—Judicial.

7.—(Civil).—Statement shewing the value of Suits disposed of in the Civil and Revenue Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

Value of suits	Number of suits disposed of in different Courts.					Total value of suits.	Remarks.
	Village Courts	Small Cause Courts	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts.	Superior Courts		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P	
Not exceeding 5	..	197	2,140	.	..	8,265 13 0	
Ditto 20	.	1,061	5,786	2	.	87,736 8 0	
Ditto 100	..	1,987	11,989	4	..	7,00,146 8 0	
Ditto 500	.	798	3,963	15		8,99,898 5 5	
Ditto 1,000	...	89	244	22		2,43,020 10 9	
Ditto 5,000	..	..	78	110	.	3,26,543 15 8	
Ditto 10,000	..	.		10		73,621 9 0	
Ditto 1,00,000	..	..	.	11		1,77,808 3 11	
Exceeding 1,00,000	..	..			.		
Suits not having a money value in civil Courts ..	..	.	76	10	...		
Total	..	4,132	24,296	184		25,17,041 9 9	

B.—JUDICIAL.

8.—(Civil).—Statement shewing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

Class of Courts.	Suits remaining from last year.	Instituted.	Received by transfer	Total for disposal.	Transferred to other Courts	Plaint rejected or returned	Dismissed for default	Withdrawn with leave.	Compromised	Decreed on confession	Decreed ex-parte.	Dismissed ex-parte.	Contested		Total disposed of.	Pending.	Over two months.	Over four months	Average duration of suits.		Referred to arbitration.	Remarks.
													Judgment for plaintiff in whole or part	Judgment for defendant.					Contested.	Uncontested.		
																			Days.	Days.		
Small Cause Courts	71	4,207	..	4,278	1	*29	507	84	231	316	1,629	1	996	369	4,134	144	3		14·3	13·3	8	* Thirty rejected plaints are not registered by the Judge of Moulmein as regular suits, and entered only to meet the requirements of the return.
Paid Sub-Divisional Tribunals	207	24,390	38	24,635	53	51	4,322	530	1,900	2,908	3,199	147	7,327	3,805	24,295	340	16	7	9·85	7·38	72	
Chief Courts of Districts	8	189	5	202	1	*2	6	3	15	13	38	.	89	16	183	19	4	3	44·89	9·	3	
Total	286	28,786	43	29,115	55	82	4,835	617	2,146	3,237	4,866	148	8,412	4,190	28,612	503	23	10	22·92	9·80	83	

9.—(Civil).—Statement shewing the business of the Civil & Revenue Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

CLASS OF COURTS.		Remaining.	Instituted.	Received by transfer.	Total.	Transferred	Dismissed for default, or under sections 5 and 6, Act XXIII. of 1861	HEARD *ex-parte*.			CONTESTED.				Total disposed of	Pending.	Over four months.	Objections under section 346, Act VIII. of 1859.	Objections allowed.	REMARKS.
								Confirmed.	Modified.	Reversed	Confirmed.	Modified.	Reversed.	Remanded						
CHIEF APPELLATE COURT OF DISTRICT	Civil appeals .	50	1,809	1	1,860	6	18	91	1	4	983	149	435	53	1,740	120	5	2	2	
	Miscellaneous appeals ...	...	4	.	4	.	..	2	.	1	1	.	.	..	4	...	...		.	
SUPERIOR APPELLATE COURTS OTHER THAN CHIEF COURT OF PROVINCE, EACH CLASS OF COURT BEING SPECIFIED	Criminal appeals .	2	4	...	6		...	...	...	...	3	...	...	...	4	2	*1	...	...	
	Miscellaneous appeals ..		4	...	4	...	...	...	..	...	2	...	1	.	3	1	..	...	...	
COURT OF THE JUDICIAL COMMISSIONER .	Appeal from District Courts in original jurisdiction .	...	..	...	7	..	..	..	...	..	3	..	3	...	6	...	...	.	..	One compromised.
	From District Courts, second appeals .	20	123	...	143	...	...	27	..	5	25	1	22	...	80	63	8	...	...	
	Miscellaneous appeals .	.	1	...	1	...	.	...	...	..	1	...	...	...	1	...	.	...	...	
	Total ...	72	1,945	1	2,025	6	18	120	1	10	1,018	150	461	53	1,838	186	14	2	2	

* This case was referred to the Court of the Judicial Commissioner by the Commissioner of Tenasserim for a ruling on certain points.

B.—JUDICIAL.

10.—(Civil).—Statement shewing the execution of the Decrees of the Civil and Revenue Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1878.

CLASS OF COURTS.	APPLICATIONS TO EXECUTE DECREES.				Decrees completely executed.	Decrees partially executed.	Pending at the end of year.	Decrees executed by possession being given.	NATURE AND NUMBER OF COERCIVE PROCESSES ISSUED.						REMARKS.
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	*Moveable property.*		*Immoveable property.*		Orders under section 2, Code of Procedure.	
										Attached.	Sold.	Attached.	Sold.		
Small Cause Courts	66	1,900	2,060*	236	606	117	...	187	192	106	2	2	...	...	94 cases struck off are included.
Local Sub-divisional Civil Courts ...	135	4,362	128	4,669†	2,377	1,169	135	112	741	1,862	622	1,056	438	...	† 244 cases struck off are included.
District Courts	20	269	4	293	36	102	27	3	20	59	40	87	58	...	
Total ...	221	6,531	2,192	5,398	3,019	1,387	162	302	953	2,027	664	1,145	496	...	338 cases struck off are included.

APPENDICES TO PART III.;

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

B.—JUDICIAL.

1.—Statement shewing the various Tribunals, Original and Appellate, existing in the Hill District of Arakan on the last day of the year 1873.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions	Average area of each division in square miles.	Average population of each division	Number of tribunals	Constitution of tribunals stating number of Judges in each and jury or Assessors if any	Judicial powers of each tribunal, original and appellate	Prescribed qualification of Judges previous to appointment	TOTAL NUMBER OF JUDGES				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE		Total cost of tribunals	Net receipts from stamps	Executive or other functions exercised by the same officer	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal	NUMBER OF CASES DECIDED DURING THE YEAR.			
								Europeans			Native	European	Native						Criminal	Civil	Revenue	Appeal
								Covenanted	Commissioned Military Officers	Uncovenanted												
												Rs.	Rs	Rs								
Local and subordinate Magistrates exercising criminal civil and revenue powers Paid.	1			1	1 Judge	Magistrates of the 3rd class under section 20, Act X of 1872. Civil original jurisdiction of whatever value or amount under section 2(a), of the Arakan Hills Civil Justice Regulation, 1874 Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874			..		1		1,200	3,508-2	..	.			22	28		
Magistrates of Districts exercising criminal, civil, and revenue powers	1	1,213	13,159	1	1 do	Magistrate of the 1st class under section 20, Act X of 1872. Additional powers under section 36, Act X. of 1872. Powers of the Chief Executive control over the district with powers to hear appeals from the orders of the 2nd and 3rd class Magistrates in the District, and is also Justice of Peace Civil original Jurisdiction of whatever value or amount under section 2(b), of the Arakan Hills Civil Justice Regulation, 1874. Appellate Civil Powers over all the Courts in his District under section 2(b), of the Arakan Civil Justice Regulation 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.			1			17,866		19,916		Executive officers Superintendent of Police			27	11	..	
Sessions judge ..	1			1	1 do.	Powers of a Court of Sessions under section 15 of Act X of 1872. Appellate jurisdiction, criminal, and revenue over the chief Court of districts and Magistrates of the 1st class Powers of a High Court in Civil matters under section 2(c), of the Arakan Hills Civil Justice Regulation, 1874.		1			..	19 433		22,334			Sundays and authorised holidays excepted :	..	"	"		

ABSTRACT

1 Extra Assistant Commissioner
1 Deputy Commissioner
1 Commissioner

B.—JUDICIAL.

6.—(Civil).—Statement shewing the number and description of Civil Suits instituted in the Civil Courts of the Hill District of Northern Arakan in the year 1878.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 500, COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES."																OTHER SUITS.										REMARKS.
	On written objection.		*On unwritten objection.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the rent law.*		*Moveable property, or value thereof.*		*Damages.*										
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs 500.	Rs. 500 and under.	Above Rs. 500.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	
Paid Sub-Divisional Tribunal	...	...	18	...	...	...	10	...	4	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	2	4	...	.	..	There was one suit instituted by verbal complaint under section 9 of the Hill Regulation, 1874.
Chief Court of district ..	...	...	1	...	...	..	2	...	7	..	...	...	...	...	...	..	...	...	...	...	..	...	...	...	1	..	...	...	..	There were two suits instituted by verbal complaints under section 9 of the Hill Regulation, 1874.
Total	..	..	19	..	...	..	12	...	11	...	...	...	..	..	...	...	...	...	...	...	...	.	...	...	3	4	...	..	...	

B.—Judicial.

7.—(Civil).—Statement shewing the value of Suits disposed of in the Civil and Revenue Courts of the Hill District of Northern Arakan in the year 1878.

Value of suits.	Number of suits disposed of in different Courts.					Total value of suits.	Remarks.
	Village Courts	Small Cause Courts.	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts	Superior Courts		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs A. P.	
Not exceeding 5	...	..	18	3	...	63 12 6	
Ditto 20	..	...	6	..	...	70 0 0	
Ditto 100	..	...	12	5	...	728 0 0	
Ditto 500		...	2	3	..	1,969 0 0	
Ditto 1,000	..	...	.	.	...	..	
Ditto 5,000	...	..	..	...	..	...	
Ditto 10,000	...	...	.	...	.	.....	
Ditto 1,00,000	..	..	..	...	..	.....	
Exceeding 1,00,000	..	...	..	.	...	... ..	
Total ..	..	...	38	11	.	1,930 12 6	

B.—Judicial.

8.—(Civil).—Statement shewing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Hill District of Nothern Arakan, in the year 1878.

Class of Courts.	Suits remaining from last year.	Instituted in 1878.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested.		Total disposed of.	Pending.	Over two months.	Over four months.	Average duration of suits.		Referred to arbitration.	Remarks.
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		
																			Days.	Days.		
Paid Sub-Divisional Tribunals	...	38	...	38	...	...	9	...	7	17	...	...	4	1	38	...	...	...	4·7	4·16	...	
District Courts other than Chief Courts of Districts.	...	11	...	11	...	...	1	...	3	5	...	...	2	...	11	...	...	...	2·5	1·	...	
Total ...	...	49	...	49	...	...	10	...	10	22	...	...	6	1	49	...	...	...	3·6	2·58	...	

B.—Judicial.

10.—(Civil).—Statement shewing the execution of the Decrees of the Civil and Revenue Courts in the Province of Northern Arakan, in the year 1878.

Class of Courts.	Applications to execute decrees.				Decrees completely executed.	Decrees partially executed.	Pending at the end of year.	Decrees executed by possession being given.	Nature and number of coercive processes issued.						Remarks.
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	*Moveable property.*		*Immoveable property.*		Orders under section 283, Code of Procedure.	
										Attached.	Sold.	Attached.	Sold.		
Shwe Hnya, Magistrate of the 3rd class	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Major W. G. Hughes, Deputy Commissioner	...	1	...	1	1	...	...	...	...	...	...	1	...	...	
Total ...	...	1	...	1	1	...	...	...	...	...	...	1	...	...	

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1879.

RANGOON :

PRINTED AT THE GOVERNMENT PRESS

1880.

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[Letter from Officiating Commissioner of Arakan, No. 89, dated 12th February 1880.]

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1879.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 4-6, dated the 27th July 1880.

READ—

Report on the Administration of Civil Justice in British Burma for the year 1879.

RESOLUTION.—The total number of regular suits instituted during the past year was 33,972, as compared with 34,069 in 1878. There was an increase in the number of suits instituted in the Court of the Recorder of Rangoon, in the Courts under the supervision of the Judicial Commissioner, and in the Courts of the Hill Tracts of Arakan, and a decrease in those brought before the Court of Small Causes in Rangoon. The most noticeable variations are the increase in the suits filed in the districts of Bassein, Thone-gwa, and Hanthawaddy, and the decrease at Moulmein. The increase in the districts above-mentioned is probably due to ordinary fluctuations of litigation, as explained by the Judicial Commissioner; the decrease of 18 per cent. in the Moulmein Court is said to be due to the decline of large commercial transactions at Moulmein. The number of suits disposed of increased from 33,872 in 1878 to 33,947 in 1879.

The judicial business coming before the superior Courts of the province consisted of—

	Original suits.	Appeals.	Miscellaneous cases.	References and revisions.
Special Court	..	16	..	..
Recorder's Court	246	..	329	..
Judicial Commissioner's Court	1	218	6	32
Moulmein Judge's Court	139	..	228	..
Total ..	386	234	563	32

The average duration of each contested case in the Court of Small Causes in Rangoon was 26·9 days, against 21·5 in 1878; in the Court of the Recorder, 70·5 days, against 60·5; in the Courts subordinate to the Judicial Commissioner, 20 days, against 15·81. Apart from the Recorder's Court, the longest average duration was in the Court of the Judge of Moulmein. The work of the Courts is generally despatched with reasonable promptitude. In some cases it seems doubtful whether suits are actually decided as rapidly as the returns would show;

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PART III.

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[Letter from Officiating Commissioner of Arakan, No. 89, dated 12th February 1880.]

Suits instituted, disposed of, and pending at close of the year	1	24
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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1879.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 4-6, dated the 27th July 1880.

READ—

Report on the Administration of Civil Justice in British Burma for the year 1879.

RESOLUTION.—The total number of regular suits instituted during the past year was 33,972, as compared with 34,069 in 1878. There was an increase in the number of suits instituted in the Court of the Recorder of Rangoon, in the Courts under the supervision of the Judicial Commissioner, and in the Courts of the Hill Tracts of Arakan, and a decrease in those brought before the Court of Small Causes in Rangoon. The most noticeable variations are the increase in the suits filed in the districts of Bassein, Thone-gwa, and Hanthawaddy, and the decrease at Moulmein. The increase in the districts above-mentioned is probably due to ordinary fluctuations of litigation, as explained by the Judicial Commissioner; the decrease of 18 per cent. in the Moulmein Court is said to be due to the decline of large commercial transactions at Moulmein. The number of suits disposed of increased from 33,872 in 1878 to 33,947 in 1879.

The judicial business coming before the superior Courts of the province consisted of—

	Original suits.	Appeals.	Miscellaneous cases.	References and revisions.
Special Court	..	16	..	..
Recorder's Court	246	..	329	..
Judicial Commissioner's Court	1	218	6	32
Moulmein Judge's Court	139	..	228	..
Total ..	386	234	563	32

The average duration of each contested case in the Court of Small Causes in Rangoon was 26·9 days, against 21·5 in 1878; in the Court of the Recorder, 70·5 days, against 60·5; in the Courts subordinate to the Judicial Commissioner, 20 days, against 15·81. Apart from the Recorder's Court, the longest average duration was in the Court of the Judge of Moulmein. The work of the Courts is generally despatched with reasonable promptitude. In some cases it seems doubtful whether suits are actually decided as rapidly as the returns would show;

the Judicial Commissioner is verifying the facts in this matter. The duration of cases in the districts of Akyab and Sandoway shows a very large increase over the duration in the previous year. The number of regular suits pending in the Courts of the Province, at the close of 1879, was somewhat greater than at the close of 1878, the numbers being 716 and 700 respectively. The state of the files of the Courts of the Bassein district apparently requires scrutiny, the number of cases returned as pending being 168, or 23 per cent. of the total number for the province.

2. The nature of the litigation did not differ materially from that of previous years. Suits for damages were in Rangoon fewer, but in other Courts considerably more numerous, than in 1878. Considering the extreme readiness of an angry Burman to resort to violence, the Chief Commissioner concurs in the Judicial Commissioner's view that the substitution of civil plaints for acts of criminal violence in cases of personal abuse is matter for congratulation; the discouragement of such actions should not be pressed too far. The number of suits relating to immoveable property in the Recorder's Court increased from four in 1878 to 61 in the year under review. In the Courts under the supervision of the Judicial Commissioner, cases of this kind fell in number from 1,804 to 1,634 in the past year. There was a large decrease in these suits in the Courts of Tha-yet-myo, Hanthawaddy, Thone-gwa, Sandoway, and Tavoy; while at Akyab cases of this description were more than twice as numerous as in the preceding year. The value of all suits increased from Rs. 35,67,967 to Rs. 42,05,260, an increase of nearly 18 per cent. The average value of each suit was Rs. 125, as compared with Rs. 105 in 1878. The number of suits in which the value of the subject-matter did not exceed Rs. 100 was about 80 per cent. of the whole number disposed of, the proportion being the same as in 1878.

3. The manner in which suits were disposed of during the year was, briefly, as follows:—the proportion of contested cases in the Recorder's Court fell from 49 per cent. in 1878 to 47 per cent. in 1879; of those decreed *ex-parte*, from 29 to 25 per cent. In the Courts of Small Causes at Rangoon, the proportion of contested cases for the two years was 25 per cent. and 31 per cent. respectively; of cases decreed *ex-parte*, 37 per cent. and 34 per cent. In the remaining Courts of the Province, the proportion of contested cases fell from 44 per cent. in 1878 to 42 per cent. in the year under review; while the proportion of cases decided *ex-parte* was the same in both years, *viz.*, 17 per cent. These figures compare favourably with those shown in the returns for Madras, Bombay, and Bengal in 1878. The proportion of cases decided *ex-parte* for all provinces taken together in 1878 was 25 per cent. The total number of *ex-parte* decrees was 5,061; while the number of dismissals for default and *ex-parte* dismissal was 5,053. It would seem therefore that plaintiffs and defendants fared very equally in this class of cases. Out of 29,244 suits decided during the year, 16,778, or 57 per cent., went in favour of plaintiffs, exclusive of 2,417 which were compromised.

4. The execution of decrees was more successfully performed in 1879 than in 1878; but the number of applications shows a decrease of 551. The proportion of decrees completely executed was 39 per cent., of decrees partially executed 23 per cent., as compared with 37 per cent. and 22 per cent. in the previous year.

The proportion of decrees executed wholly or in part to the number of applications for execution was 50 per cent. in Rangoon and 65 per cent. in other parts of the Province. The proportion of cases in which process of imprisonment was issued fell from 25 per cent. in 1878 to 20 per cent. in 1879. The decrease is attributed by the Judicial Commissioner to the operation of the insolvency provisions of the Civil Procedure Code. The actual number of sales of immoveable property rose from 514 to 561; but the proportion to the number of processes of execution issued, *viz.*, 11 per cent., was only one per cent. higher than in the previous year. The number of sales in Rangoon rose from 18 to 30. In the Pegu division, the numbers for the two years were 213 and 324 respectively; and the proportion of sales of immoveable property to the number of processes issued rose from 9 to 13 per cent. In Prome and Hanthawaddy, there were twice as many sales in the year under review as in 1878. These figures seem to indicate that the fears expressed in the Civil Justice Reports for 1877 and 1878, that there was danger of the cultivators being dispossessed of their lands by money-lenders, were to some extent justified. The Judicial Commissioner is, however, of opinion that the passing of the Transfer of Property Bill will render unnecessary any extension of the Bengal Regulations relating to foreclosure to this Province. In connection with this subject, it may be mentioned that Judicial Officers were consulted during the year as to the expediency of giving power to Government to prohibit sales of land under certain circumstances. The general opinion, with which the Chief Commissioner concurred, was that legislation in this direction is unnecessary, at least as regards British Burma. Inasmuch as the ordinary rate of interest on agricultural loans ranges from 30 to 60 per cent. per annum, it is perhaps surprising that the cultivators of Burma are not more indebted. Burmans, as a rule, spend their money freely; and if any considerable and permanent fall comes in the price of rice, the Burmese agricultural population may have a difficult time.

5. Nine appeals from the Court of the Judge of Moulmein were disposed of by the Special Court, the decision of the Lower Court being reversed in three instances. The Judicial Commissioner decided 197 appeals, in 74 of which the judgment of the Court of first instance was reversed or modified; in 119 cases the original decision was confirmed; the proportion of wholly or partially successful appeals, *viz.*, 37 per cent., was about the same as in 1878. There were 1,836 appeals preferred to Deputy Commissioners; in 63 per cent. of these, the decision of the Lower Court was confirmed, and in 31 per cent. it was modified or reversed. In 1878, the proportions were 58 per cent. and 31 per cent. respectively. These figures do not call for special comment.

6. The Court of Small Causes at Rangoon disposed of 3,008 miscellaneous cases, as compared with 3,155 in 1878. The miscellaneous work of the Recorder's Court consisted of the disposal of 258 cases, as compared with 245 in the previous year. Forty-nine applications of insolvents for discharge were decided by the Recorder; in 31 cases the discharge was granted; and 18 applications were dismissed. Of 114 applications by insolvents disposed of in the Courts subordinate to the Judicial Commissioner, 61 were granted and 53 dismissed. Eight probates and 18 letters-of-administration were granted by the Recorder, a somewhat smaller number than in 1878. The decision of the Special Court, that only the Court of the Recorder can grant probates and letters-of-administration in the case of

Buddhists, has given rise to some discussion; and the extension of the provisions of the Hindu Wills Act to British Burma is advocated by both the Judges of the Special Court.

7. In the Arakan Hill Tracts there was an increase of litigation, 71 cases having been instituted and decided, as compared with 49 in 1878. The system of employing the arbitration of influential chiefs for the decision of the majority of civil cases continues in force, apparently with satisfactory results. The nature of the litigation calls for no special comment. The value of the subject-matter of the suits instituted rose from Rs. 1,930 in 1878 to Rs. 3,807 in 1879. Of the cases decided, only 28 per cent. were contested.

8. The receipts from process fees throughout the province, exclusive of the Hill Tracts of Arakan, amounted to Rs. 1,07,222; the expenditure on the service of processes to Rs. 70,500. The Court-fees realised in the Court of the Recorder and of the Small Cause Courts in Rangoon still continue to exceed the expenditure.

9. During the past year, Judicial Officers were consulted as to the advisability of conferring summary jurisdiction upon the civil Courts in certain classes of cases. The Chief Commissioner agreed with the majority of the officers consulted in thinking that the bestowal of summary jurisdiction in civil suits of small value would be an important measure of improvement, and definite proposals on the subject were submitted to the Government of India.

10. The present reports afford fairly complete information on the administration of civil justice during the year. The Chief Commissioner desires to express his sense of the value of the services rendered by Mr. Wilkinson and Mr. Crosthwaite during the year under review.

By order of the Chief Commissioner,

G. D. BURGESS,

Offg. Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1879.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1879 there were seven appeals from the decision of the Judge of the town of Moulmein, and nine were pending at the close of the year 1878, making in all 16 appeals for disposal, of which nine were disposed of and seven were pending at the close of the year 1879. In the previous year 15 appeals were filed and eight disposed of.

2. The following is a comparative table showing results of the two past years:—

Year.	Number of appeals pending.	Number of appeals instituted.	Number of appeals disposed of.	Result.				
				Rejected.	Confirmed.	Modified.	Reversed.	Pending.
1878	2	15	8	..	5	1	2	9
1879	9	7	9	1	5	..	3	7

3. The revenue of the Court during the year from Court fee stamps amounted to Rs. 1,538-12-0 and the expenditure to Rs. 1,800. In the previous year the revenue was Rs. 2,418 and the expenditure Rs. 1,800.

4. The Judges of the Court throughout the year were Mr. C. J. Wilkinson and Mr. R. J. Crosthwaite.

C. J. WILKINSON,

R. J. CROSTHWAITE,

Judges of the Special Court, British Burma.

Rangoon:
The 31st March 1880.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Civil Justice in the Courts of the Recorder and Small Causes, Rangoon, for the year 1879.

During the year 1879, 228 regular suits (including seven matrimonial and one admiralty), 53 insolvency, and 248 miscellaneous cases, or a total of 529 cases, were instituted, as against 202 regular suits (including one matrimonial and two admiralty), 39 insolvency and 250 miscellaneous cases, or 491 cases altogether instituted in the previous year, being an increase of 26 regular and 14 insolvency, or a total increase of 38 cases. There were pending at the close of the year 1878 17 regular, one matrimonial, 13 insolvency, and 15 miscellaneous cases, making in all 575 cases for disposal; of which 215 regular, eight matrimonial, 50 insolvency, and 258 miscellaneous suits were disposed of, as against 201 regular, three admiralty, 29 insolvency, and 245 miscellaneous cases in the previous year. At the close of the year under review there were 22 regular, one admiralty, 16 insolvency, and five miscellaneous cases pending. Of the 22 regular suits pending, most were instituted just before the closing of the year; and of the others, either the summonses had not been served on the defendants, or commissions to examine witnesses beyond the Court's local jurisdiction had not been returned.

2. The total value of suits instituted during the year was Rs. 8,83,787; and the amount of Court fee stamps realized from regular suits, processes, probates, and letters-of-administration was Rs. 48,103; whilst the total value of suits disposed of was Rs. 9,21,131. In the previous year the value of suits instituted was Rs. 6,38,820, and Court fee stamps amounted to Rs. 45,824, the value of suits disposed of having been Rs. 5,71,550.

3. The following tables show the above particulars in comparison with the year 1878:—

Year.	Number of suits instituted.						Number of suits disposed of						Number of suits pending.						Value of suits instituted.	Value of suits disposed of.
	Regular.	Matrimonial.	Admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Admiralty.	Insolvency.	Miscellaneous.	Total.		
1878 ...	199	1	2	30	250	491	201	.	3	29	245	478	17	1	...	13	15	46	6,38,820	5,71,550
1879 .	220	7	1	53	248	529	215	8	.	50	258	531	22		1	16	5	44	8,83,787	9,21,131
Increase	21	6	..	14		38	14	8		21	13	53	5		1	3			2,44,967	3,49,581
Decrease ...	..		1		2	..	..	.	3	..	...	...	...	1	...	...	10	2	.	

Statement of Court fees realized.

Year.	Process fees.	Under Schedule I., articles 1 to 9, Court Fees Act.	Under Schedule I., articles 10 to 12, Court Fees Act.	Under Schedule II., Court Fees Act.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1878	1,804 0 0	28,001 3 0	15,141 0 0	877 15 0	45,824 2 0
1879	1,903 0 0	34,145 13 0	10,871 0 0	1,184 1 0	48,103 14 0
Increase ..	99 0 0	6,144 10 0	....	306 2 0	2,279 12 0
Decrease ..	....	....	4,270 0 0	....	....

4. There has been an increase in the value of suits instituted by Rs. 2,44,967, and Court fee stamps by Rs. 2,279, notwithstanding the increased number and value of pauper suits filed during the year.

5. The average duration of cases during the year was 70½ days for contested cases and 37½ days for uncontested; whereas in the previous year it was 60½ days and 42¾ days respectively. Although the duration of cases has extended, no unnecessary delay took place in their disposal, for they were decided as soon as they were ready for final hearing; and the average is still considerably under that of cases tried on the original side of the High Courts in India. The longest time a case has been on the file at the close of the year was nine months and three days. This was a case brought against the receiver of the estate of a lunatic by the alleged son of the lunatic for arrears of maintenance, whose right was disputed, and a commission issued to Surat to examine certain witnesses, which is still unexecuted.

6. The following table shows the description and number of miscellaneous cases filed during the year in comparison with the previous year :—

Description of miscellaneous cases.	Number.	
	1878.	1879.
References from Small Cause Court	2	..
Applications for letters-of-administration and probate	38	81
Ditto for removal of attachments	12	2
Ditto for new trials	3	..
Ditto to set aside *ex-parte* decrees	..	5
Ditto to be allowed to sue *in forma pauperis*	9	15
Ditto for discharge from jail	2	..
Ditto for licenses to practice as Advocate of the Court	4	5
Ditto to appoint guardians of minors' property under Act XL. of 1858	1	1
Ditto to call for records of Small Cause Court as a Court of Revision	2	1
Ditto to transfer decrees to other Courts for execution	9	13
Decrees received by transfer	31	23
Applications for execution of decrees	96	91
Proceedings under the Land Acquisition Act	..	8
Processes forwarded by other Courts for service here	15	9
Other miscellaneous cases	26	44
Total ..	250	248

Amongst those for execution of decrees are included applications for sale of mortgaged property and property declared liable to be sold upon equitable mortgage in satisfaction of claims. The proceedings under the Land Acquisition Act were references made by the Town Magistrate performing the duties of a Collector, as the claimants were dissatisfied with his award. These references were tried with the aid of Assessors. The claimants were represented by Advocates, whereas the railway authorities, for whom the land was required, in no instance thought it necessary to be represented.

7. The following table shows the classes to whose estates probates and letters-of-administrations were granted during the year and the value of the estates :—

Classes.	Number of probates granted.	Number of letters-of-administration granted.	Value of estates.
			Rs.
European and Eurasians	3	5	3,35,040
Buddhists .. {Burmese	1	3	13,343
Buddhists .. {Chinese	1	..	23,000
Hindoos	2	1	67,500
Mahomedans	1	9	2,84,400
Total ..	8	18	7,23,283

8. In the year previous there were 12 probates and 20 letters-of-administration granted. The value of the estates was Rs. 8,03,564 and the Court fee stamps Rs. 15,141, being Rs. 4,270 in excess of the year under review.

9. During the year there was only one appeal preferred from the decree of this Court to the High Court at Fort William in Bengal, which is still pending there. One of the appeals preferred in 1877, which was pending at the close of the year 1878, has since then been dismissed, and the judgment of this Court upheld.

Vice-Admiralty jurisdiction.

10. There was only one suit filed under this jurisdiction during the year, the value of which was Rs. 9,000, and was pending at the close of the year. In the previous year there were two cases of the aggregate value of Rs. 20,391-13-4.

Insolvency jurisdiction.

11. There were 52 petitions presented by 56 persons during the year for the benefit of the Insolvent Act in Rangoon, Moulmein, and Akyab, and the petitions of 15 persons were pending at the close of the previous year. Besides these, there was an application to have a verified copy of "the Act and Warrant of confirmation" obtained under the Scotch Bankruptcy Act registered in this Court.

12. The following table shows the particulars of the insolvency cases :—

Towns.	Number of petitions filed during the year.	Number of persons.	Number of persons whose applications were pending at the close of 1878.	Total number of persons.	Result.		
					Persons to whom personal discharge was granted.	Persons whose applications were dismissed	Pending at the close of the year.
Rangoon	28	31	9	40	22	10	8
Moulmein	3	3	5	8	1	3	4
Akyab	21	22	1	23	8	5	10
Total ..	52	56	15	71	31	18	22

In the previous year there were 39 petitions presented by 46 persons. During the year the Recorder sat three times at Moulmein and twice at Akyab as an Insolvent Court.

13. The total revenue of the Court during the year was Rs. 48,409 and the expenditure was Rs. 45,079, leaving a surplus over expenditure of Rs. 3,330, as will be seen from the following table :—

Receipts.	Rs A P.	Expenditure.	Rs A P
Amount realized by Court fee stamps .. .	48,103 14 0	Recorder's salary	30,000 0 0
Amount realized by stamp penalty	90 0 0	Establishment	12,144 0 0
Fines and confiscations ..	214 12 0	Process serving establishment, being one-third of Bailiff's salary, one-third of head peon's salary and two peons the remainder being charged to the Small Cause Court	1,168 0 0
Sale of empty stationery cases..	1 2 0	Contingencies	551 13 0
		Travelling allowances	1,128 5 8
		Expenses of witnesses in criminal cases..	87 0 0
		Total ..	45,079 2 8
		Surplus of receipts	3,330 9 4
Total ..	48,109 12 0	Total ..	48,409 12 0

NOTE.—The salary of the Chinese Interpreter is excluded from the expenditure, as he is chiefly engaged in the Magistrates' Courts.

In the previous year the revenue was Rs. 47,349-15-0, and the expenditure Rs. 44,512-13-0. The strength of the process-serving establishment and the pay of the peons were incresed during the year.

COURT OF SMALL CAUSES, RANGOON.

14. The total number of suits, regular and miscellaneous, instituted during the year in both Courts was 7,342, as against 8,133 in the previous year, being a decrease of 791. In the First Judge's Court there were 2,790 regular suits filed, as against 3,234 in the previous year, being a decrease of 444. The number of miscellaneous suits was 1,993, against 2,284, being a decrease of 291. In the Second Judge's Court there were 1,574 regular and 985 miscellaneous suits filed, as against 1,758 regular and 857 miscellaneous. This shows a decrease of 184 regular suits and an increase of 128 miscellaneous suits.

15. The total value of regular suits instituted in both the Courts was Rs. 3,99,334, against Rs. 4,68,285 in the previous year, being a decrease of Rs. 68,950. In the First Judge's Court the value of suits was Rs. 2,89,220, against Rs. 3,69,152, being a decrease of Rs. 79,932. In the Second Judge's Court the value was Rs. 1,10,114, against Rs. 99,133, giving an increase of Rs. 10,981 over the previous year.

16. The subjoined table shows the above particulars as compared with the previous year.—

Year.	First Judge's Court.				Second Judge's Court.				Both Courts			
	Number of suits instituted.			Value of suits instituted	Number of suits instituted			Value of suits instituted.	Number of suits instituted.			Value of suits instituted.
	Regular.	Miscellaneous.	Total.		Regular.	Miscellaneous.	Total.		Regular.	Miscellaneous.	Total	
				Rs								Rs
1878 ...	3,234	2,284	5,518	3,69,152	1,758	857	2,615	99,133	4,992	3,141	8,133	4,68,285
1879	2,790	1,993	4,783	2,89,220	1,574	985	2,559	110,114	4,365	2,978	7,342	3,99,334
Increase	.	.		.	...	128		10,981				
Decrease	444	291	795	79,932	184	..	56		627	163	791	68,951

17. The average value of each suit in both Courts was Rs. 91·51, whereas in the previous year it was Rs. 94. In the First Judge's Court the average value of each was Rs. 103·66, against Rs. 114 in the year previous; whilst in the Second Judge's Court the average was Rs. 69·95, against Rs. 56·38.

18. In both Courts 4,409 regular and 3,008 miscellaneous cases, or a total of 7,417 cases were disposed of; and there remained pending at the close of the year 133 regular and 62 miscellaneous, or in all 195 suits: 1,365 regular suits were decided after contest, being an increase of 107 over the previous year.

19. The average duration of the regular suits in both Courts was 22 days. In the First Judge's Court the average for contested cases was 30¾ days and for uncontested 21 days. In the Second Judge's Court it was 15 and 18 days respectively. In explanation of the increase in the duration of suits, Mr. Lingham, the First Judge of the Court, makes the following remarks, that the extended jurisdiction given to these Courts under section 17 of the Civil Procedure Code, by which persons who do not reside within the local jurisdiction are rendered amenable where the cause of action has arisen within the limits, has very largely been

resorted to. A large number of debtors leave Rangoon at certain periods of the year for agricultural and trading purposes, and a sufficient time has to be given to such defendants after service to enable them to make their defence, if they have any, so as to prevent plaintiffs snapping up decrees; hence he attributes the tendency of the average duration of cases to increase in comparison with previous returns. I am satisfied that no undue delay takes place in the Court in the decision of cases, as is shown by there being only 195 suits of both classes pending at the close of the year.

20. The following tables show the particulars of the miscellaneous suits other than applications for execution of decrees before each of the Judges :—

Miscellaneous work of First Judge's Court.

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Withdrawn.	Pending at the close of the year.
Reference to High Court	..	..	..	..	..	..	..	..	..
For removal of attachment..	2	84	86	10	25	..	..	..	1
To sue *in formâ pauperis*	..	12	12	3	8	..	..	..	1
For new trial	..	19	19	1	17	..	..	..	1
To set aside *ex-parte* decree	..	15	15	8	7	..	..	..	..
For review of judgment	..	13	13	..	13	..	..	..	..
To transfer cases from Second Judge's Court to First Judge's Court	..	52	52	39	13	..	..	..	..
Applications for certificate of non-satisfaction, with copy of decrees for execution in other Courts..	..	53	53	50	3	..	..	..	..
Commissions from other Courts to examine witnesses	..	13	13	..	..	6	7	..	..
Processes from other Courts forwarded to this Court for service	2	251	253	..	..	88	157	..	8
Applications under Chapter XX. of the Code of Civil Procedure	..	1	1	..	..	..	..	1	..
To furnish security before judgment	..	97	97	79	18	..	..	..	..
Other cases	7	286	293	182	97	..	..	..	14
Total ..	11	846	857	372	201	94	164	1	25

Miscellaneous work of Second Judge's Court.

Nature of application.	Pending at the close of last year.	Instituted during the the year.	Total for disposal.	Granted.	Refused.	No result noted in the register and case.	Executed.	Unexecuted.	No result noted in the register and case.	Pending at the close of the year.
Reference to High Court	..	..	..	..	..	..	..	..	..	..
For removal of attachment	..	23	23	13	7	2	..	..	..	1
To sue *in formâ pauperis*	..	1	1	..	..	1	..	..	..	..
For new trial	3	50	53	20	22	11	..	..	..	..
To set aside *ex-parte* degree	..	14	14	8	3	2	..	..	..	1
For review of judgment	..	1	1	..	1	..	..	..	..	..
Applications for certificate of non-satisfaction, with copy of decrees for execution forwarded to other Courts	..	44	44	31	3	10	..	..	..	..
Processes from other Courts forwarded to this Court for service	5	99	104	..	..	..	39	29	36	..
Commissions from other Courts to examine witnesses	1	16	17	..	..	..	10	7	..	..
To furnish security before judgment ..	3	129	132	88	13	31	..	..	..	..
Other cases	6	71	77	47	15	15	..	..	..	..
Total ..	18	448	466	207	64	72	49	36	36	2

From this return it will be observed that in 108 cases no result has been given. This is in consequence of the misconduct of the late Head Clerk in the Second Judge's Court, who has been guilty of very grave negligence, at least, in the performance of his duties. Several records are missing, and others appear to have been tampered with or are imperfect, and he has as yet afforded no explanation of this state of things, nor have I been able to get any from him.

21. The particulars of the receipt and expenditure of the Courts are as follows :—

Receipt.	Amount.	Expenditure.	Amount.	Total.
First Judge's Court.	Rs. A. P.	*First Judge's Court.*	Rs. A. P.	Rs. A. P
Amount realized by stamps	24,433 7 0	Judge's pay	.....	11,693 5 4
Tullabana fund	4,240 4 0	Establishment	5,328 0 0	
Fines	14 9 3	Contingencies	258 12 6	
Stamp penalty on insufficiently stamped documents	6 6 0			5,586 12 6
By sale of unserviceable furniture ..	11 7 0	One-third share of the Bailiff's pay, one-third share of the head peon's pay, and pay of five peons of the Bailiff's establishment, debited to this Court by direction of the Recorder	.....	1,600 0 0
Second Judge's Court.				
Amount realized by stamps	9,189 6 0			
Tullabana fund	2,177 12 0	*Second Judge's Court.*		
Fines ..	22 0 0			
Stamp penalty on insufficiently stamped documents	5 7 0	Judge's pay	. . .	6,000 0 0
		Establishment	.....	1,873 5 4
General.		One-third share of the Bailiff's pay, one-third share of the head peon's pay, and pay of three peons of the Bailiff's establishment, debited to this Court by direction of the Recorder	.....	1,312 0 0
Amount of Interpreter's fee realized during the year in both Courts .	2,006 0 0			
		General.		
		Amount disbursed to the Interpreters during the year . ..	. ..	2,006 0 0
		Total ..	.....	30,071 7 2
		Balance of receipt over expenditure. .	.. .	12,035 8 1
Total ..	42,106 10 8	Total ..	....	42,106 10 8

By this then there appears a balance of receipts over expenditure of Rs. 12,035.

22. In explanation of the smallness of the number of suits brought during the year, Mr. Lingham observes in his report that whilst there has been very little fluctuation in litigation amongst the classes which resort to the Second Judge's Court, there has been a considerable falling-off in those who usually bring their suits in the First Judge's Court. These generally are the Chetties, who since 1877 have considerably curtailed their money-lending transactions, and have been winding up old accounts without making fresh loans, for they have been considerable losers from their previous readiness to lend on personal security. Consequently they have become more cautious. Now that their doubtful accounts have for the most part been closed and decrees obtained, they have little occasion to come into Court. This is in accordance with my own experience in the Recorder's Court with respect to these people, for they used to be the most numerous of the litigants. It is remarkable how readily they would lend money upon grants or documents of title of immoveable property. So long as the borrower handed these over to them, they were satisfied and seldom thought it necessary to enquire what estate or interest the holder of the papers had in the property; and still more readily used they to advance on property to the persons who were registered as the owners in the register of town and suburban lots, regarding such entries as evidence of a perfect title, whereas, as I have been frequently called upon to show, they are not even *primâ facie* evidence. Instead of seeking their profit in money-lending to the extent they have hitherto done, they prefer now to trade in rice and other country produce, and are becoming very large exporters.

23. During the year under review the Recorder's Court was presided over by myself; and the offices of the First and Second Judge were respectively filled by Mr. A. F. Lingham and Moung Oon.

RECORDER'S COURT :
The 27th March 1880.

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From R. J. Crosthwaite, Esquire, C. S., Officiating Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 270-35, dated the 16th April 1880.

I have the honour to forward the Annual Report on the Administration of Civil Justice in British Burma (exclusive of the town of Rangoon) for the year 1879, together with a set of statistical returns.

2. The tabulated statements in the body of the report have been simplified so as to correspond with the appendices.

3. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year:—

Division.	Name of District	Instituted.		Disposed of.		Pending at close of year: Above four months.		Pending at close of year: Total pending.	
		1878.	1879.	1878.	1879.	1878.	1879.	1878.	1879.
Arakan.	Akyab	1,423	1,559	1,416	1,535	..	..	14	38
	Do. Small Cause Court	620	615	619	615	..	1	2	2
	Kyouk-pyoo	659	672	665	672	..	..	9	9
	Sandoway	349	321	347	324	..	..	3	..
	Commissioner of Arakan	..	1	..	1	..	..	..	..
Pegu.	Hanthawaddy	1,878	2,126	1,856	2,136	5	..	34	24
	Thone-gwa	2,683	2,973	2,661	2,956	..	1	31	51
	Bassein	3,757	4,256	3,729	4,167	2	..	78	167
	Do. Small Cause Court	288	280	285	282	..	..	3	1
	Henzada	2,795	2,875	2,786	2,865	..	..	15	25
	Tharrawaddy	1,969	2,093	1,927	2,111	..	..	47	29
	Prome	2,404	2,319	2,412	2,307	..	..	19	31
	Tha-yet-myo	1,335	1,129	1,348	1,128	..	1	17	18
	Do. Small Cause Court Assistant Judge	141	128	143	128	..	..	..	..
	Tha-yet-myo Small Cause Court Judge	5	14	5	13	..	..	..	1
	Judicial Commissioner, British Burma	..	1	..	1	..	..	..	..
Tenasserim.	Amherst	1,495	1,484	1,482	1,468	..	..	23	16
	Shway-gyin	1,152	1,305	1,157	1,280	..	1	22	47
	Toungoo	1,206	1,120	1,191	1,131	1	..	21	10
	Tavoy	521	574	521	576	..	..	2	..
	Mergui	521	508*	518	514	..	..	6	3
	Salween	36	41	36	40	..	..	..	1
	Moulmein Judge's Court	148	125	141	123	2	2	14	16
	Do. Small Cause side	3,441	2,803	3,367	2,871	..	..	139	71
	Total	28,826	29,322†	28,612	29,244	10	6	502	560
	Increase	..	496	..	632	..	..	..	58
	Decrease	..	..	..	..	..	1	..	..

* Three cases transferred to the Deputy Commissioner's file from the Court of the Extra Assistant Commissioner are not included.

† The Assistant Commissioner of Salween shows 50 suits instituted in statement 6; but statement 8 shows only 41 instituted, making a difference of nine.

Of 502 in column "Suits remaining from last year," 23 suits remaining from last year in the Court of the Deputy Commissioner of Amherst are included in column 'Instituted in," statement 8; and of 79 suits received by transfer, 71 are also included in the same column.

Increase and decrease in the different districts during the year :—

Name of district.	Increase.		Decrease	
	Instituted	Disposed of	Instituted.	Disposed of
Akyab	131	115	..	..
Kyouk-pyoo	13	7	..	..
Sandoway	..	..	28	28
Arakan	1	1	..	..
Hanthawaddy	248	280	..	..
Thone-gwa	290	295	..	..
Bassein	491	435	..	..
Henzada	80	79	..	..
Tharrawaddy	124	184	..	..
Prome	..	..	85	105
Tha yet myo	..	..	210	227
Amherst	..	..	11	14
Shway gyin	153	123	..	..
Toungoo	..	..	86	60
Tavoy	53	55	..	..
Mergui	..	..	13	4
Salween	5	4	.	..
Moulmein	..	..	661	514
Judicial Commissioner, British Burma .. .	1	1	..	..

The number of cases instituted in the year under review shows a small increase on last year, and except in two districts, Bassein and Moulmein, there has been a slight increase or decrease such as would arise from ordinary fluctuations of litigation. In Bassein the increase in the number of institutions amounted to 491, and is evidently to be attributed to the development of commerce and agriculture in the district. In Moulmein there has been, on the other hand, a decrease of 661 cases, which the Judge says was caused, in his opinion, by the relaxation of the severity of imprisonment for debt brought about by the insolvency provisions of the new Civil Procedure Code. I do not concur in this opinion, as there is nothing in the provisions of the new Civil Proceedure Code relating to insolvents which is calculated to deter creditors from suing; nor is there any reason why these provisions should have an effect on the people of Moulmein which they do not appear to have in Hanthawaddy, Bassein, Prome, and even in the Amherst district. The decrease in the Moulmein Court is on the Small Cause Court side, and amounted to about 18 per cent. on the total of 1878; but the total number of suits instituted in the Small Cause Court in the year under review is still in excess of the number instituted in 1877, and the decrease is probably due chiefly to a natural fluctuation as well as to other causes. On the other hand, the work of the Judge's Court on the superior side has steadily decreased since 1877, in which year the institutions amounted to 231, a result which seems to be due to a decrease in large commercial transactions in Moulmein.

The pending file shows an increase of 58 cases; but there were only six cases pending over four months, two of which were in the Court of the Judge of Moulmein. Considering the amount of litigation, a pending file of 560 cases is not excessive.

4. The next table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	Name of District.	Number of suits													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Arakan.	Akyab	434	193	39	56	91	160	50	179	125	131	9	40	52	1,559
	Do. Small Cause Court	209	120	...	...	91	86	...	103	6	...	..	...	...	615
	Kyouk-pyoo	76	105	...	12	119	28	18	97	81	81	...	30	25	672
	Sandoway	58	30	...	22	8	22	1	81	44	29	2	10	14	321
	Commissioner of Arakan	...	...	...	...	1	...	...	...	...	...	...	...	...	1
Pegu.	Hanthawaddy ...	461	639	24	16	184	129	12	261	167	168	...	50	15	2,126
	Thone-gwa	483	370	48	248	299	321	6	381	578	124	1	95	10	2,978
	Bassein	497	649	30	169	552	358	6	619	1,033	150	4	150	39	4,256
	Do. Small Cause Court	27	62	..	...	128	63	...	...	...	.	.	...	...	280
	Henzada	224	387	12	150	380	150	14	331	881	174	...	140	32	2,875
	Tharrawaddy	148	328	5	103	185	11	5	306	607	210	.	83	12	2,003
	Prome	301	304	33	22	484	301	33	96	297	245	59	108	36	2,319
	Tha-yet-myo	188	148	6	31	130	165	13	127	199	46	2	51	23	1,129
	Do. Small Cause Court Assistant Judge...	20	33	6	...	63	...	3	...	3	...	...	...	...	128
	Tha-yet-myo Small Cause Court Judge.	9	1	...	2	2	...	...	...	...	...	...	...	...	14
	Judicial Commissioner...	...	...	...	...	...	...	...	..	1	...	...	...	...	1
Tenasserim.	Amherst	387	304	29	90	160	62	7	243	77	82	2	28	13	1,484
	Shway-gyin	240	374	40	181	209	50	...	72	42	17	1	61	18	1,305
	Toungoo	224	172	158	67	135	12	55	119	37	48	1	68	24	1,120
	Tavoy	62	48	...	29	83	78	18	85	26	113	...	20	6	574
	Mergui	220	48	1	7	112	30	5	7	32	9	...	20	2	508
	Salween	18	1	...	7	7	9	..	...	4	4	...	4	1	50
	Moulmein Judge's Court	74	3	...	4	2	8	...	4	7	3	3	8	9	125
	Do. Small Cause side	1,594	166	...	111	440	349	18	101	22	...	...	...	...	2,803
	Total ...	5,958	4,487	431	1,417	3,865	2,398	264	3,212	4,269	1,634	84	972	340	29,331
	In 1878 ...	6,058	4,427	362	1,267	3,874	2,187	243	3,292	3,985	1,804	83	990	254	28,826
	Increase ...	...	60	69	150	...	211	21	...	284	...	1	...	86	505
	Decrease ...	100	..	...	...	9	...	...	80	...	170	....	18	...	...

There was a decrease of 100 suits on written obligations. Suits on written and unwritten obligations amounted to 10,445, or 36 per cent. of the whole ; and suits for damages on account of torts showed an increase of 284, and formed 15 per cent. of the whole. Suits for immoveable property decreased by 170, and amounted to only about 5½ per cent.

The large number of actions on torts is generally attributed by Deputy Commissioners to the facility with which the Lower Courts entertain suits for slander. The Burmese, when excited, use most abusive language, and the person abused, instead of resorting to violence, as he probably would have done formerly, seeks redress in the Courts, either by prosecuting his adversary criminally under section 294, Indian Penal Code, for uttering obscene words in a public place, or under section 504, Indian Penal Code, for insult; or else he files a suit for damages in the Civil Court. It is certainly better that recourse should be had to the Civil Courts than to violence, but it is probable that the Lower Courts allow damages in cases of mere abuse in which the reputation of the plaintiff has not really been injured. The action of the Courts in this matter will be watched.

The greater number of suits relating to real property which have come before me in appeal this year have been suits for redemption, in which the defendent either denied the mortgage and asserted a sale of the land, or else admitting

the mortgage pleaded that the mortgagor had subsequently sold the land to him. The mortgage of agricultural holdings is generally effected by an oral agreement in a very loose way, and it is often difficult to determine whether the transaction was a sale or a mortgage. But there can be no doubt that even when the transaction is apparently a sale, it is commonly understood amongst the Burmese that the transferor retains the right of buying back or redeeming the property. I have therefore as a rule followed the principle laid down by Mr. Sandford that the presumption in such cases should be in favour of the mortgage. These mortgages or sales were effected in favour of other Burman agriculturists, and not in favour of money-lenders.

There is nothing to show that the money-lenders are evicting the agricultural classes, as has been the case in India, to any great extent. Probably, if they acquired land in this way, they could not, in the present state of the country, do anything else with it but sell it again. There are indications of the money-lenders in Rangoon selling up land-holders in the Hanthawaddy district, and the Deputy Commissioner will be directed to make further enquiries into the matter.

5. The value of original suits was as follows:—

Division	Name of District.	Number of suits disposed of, valued at not exceeding								Above Rs. 100,000	Total value of suits.		
		Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 100,000.		Rs.	A.	P.
Arakan.	Akyab	116	254	627	399	68	69	..	2	..	4,24,306	13	4
	Do. Small Cause Court	44	183	388	..	..	..	..	..	..	17,917	13	9
	Kyouk pyoo	129	162	321	58	2	..	..	..	..	80,021	8	9
	Sandoway	60	85	153	26	..	..	..	..	..	13,351	12	5
	Superior Court	..	..	..	..	..	1	..	..	..	8,628	0	0
Pegu.	Hanthawaddy	57	317	1,196	471	72	22	1	..	..	2,81,395	0	0
	Thone-gwa	182	578	1,507	654	27	8	..	..	..	2,71,102	15	5
	Bassein	266	783	2,327	746	33	12	..	..	..	3,21,883	0	3
	Do Small Cause Court	91	191	..	..	..	..	..	..	..	2,534	14	0
	Henzada	180	687	1,597	380	13	8	..	..	..	1 81,834	14	5
	Tharrawaddy	164	488	1 155	288	13	2	1	..	..	1,17,443	4	8
	Prome	274	672	1,062	270	17	12	..	..	..	1,37,402	4	3
	Tha-yet-myo	140	277	502	144	10	2	..	..	..	70,212	8	11
	Do. Small Cause Court Assistant Judge	27	68	83	..	..	..	..	..	..	1,973	7	9
	Tha-yet-myo Small Cause Court Judge	..	..	7	6	..	..	..	..	..	1,472	14	6
	Judicial Commissioner, British Burma	..	..	..	..	..	1	..	..	..	2,000	0	0
Tennasserim.	Amherst	89	333	751	246	34	8	4	3	..	1,95,655	10	8
	Shway-gyin	97	348	550	205	14	4	..	..	..	93,096	15	6
	Toungoo	107	337	422	159	16	12	..	..	..	88,199	2	8
	Tavoy	47	183	274	66	6	..	..	..	..	33,125	6	3
	Mergui	32	125	275	73	5	1	..	..	..	29,551	0	0
	Salween	2	10	17	11	..	..	..	..	..	3,650	12	9
	Moulmein Judge's Court	..	..	2	6	2	89	5	5	..	2,81,976	9	0
	Do. Small Cause side	122	669	1,360	635	85	..	..		..	2,73,700	8	0
	Total	2,226	6,750	14,526	4,843	417	251	11	10	..	28,77,440	0	3
	In 1878	2,337	6,849	13,980	4,796	360	53	140	11	..	25,17,041	9	9
	Increase	.	..	546	47	57	198	..	..	..	3,60,398	6	6
	Decrease	111	99	..	..	..	..	129	1	..	....		

The total value of suits increased last year by about Rs. 3,00,000 and this year it shows a still greater increase, amounting to Rs. 3,60,398. Suits for sums not exceeding Rs. 20 show a decrease of 210; while suits not exceeding Rs. 100, Rs. 500, Rs. 1,000, and Rs. 5,000 show an increase of 848. On the other hand, in suits between Rs. 5,000 and Rs. 10,000 there was a decrease of 129. Suits for all

values not exceeding Rs. 100 amounted to 23,502, or 81 per cent. of the total litigation.

6. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division	Name of District	Number of cases brought on the file, including pending from last year	Transferred.	Plaint rejected or returned.	Dismissed for default	Withdrawn with leave	Compromised	Decreed on confession	Decreed *ex-parte*	Dismissed *ex parte*	Contested Cases: Judgment for plaintiff in whole or in part.	Contested Cases: Judgment for defendant.	Total disposed of	Pending	Referred to arbitration.
Arakan	Akyab	1,573	1	.	209	25	222	225	224	8	429	186	1,535	38	6
	Do Small Cause Court	617		.	138	6	20	76	149		168	58	615	2	
	Kyouk pyoo .	681		1	96	3	131	70	59		221	90	672	9	1
	Sandoway	324		1	36	2	52	90	14		124	63	324		2
	Commissioner of Arakan	1									1		1		
Pegu	Hanthawaddy	2,160	7	5	564	20	127	305	345	8	495	260	2,136	24	18
	Thone-gwa .	3 007	16	3	590	74	331	261	620	2	700	399	2,956	51	11
	Bassein .	4,334	7	49	714	10	376	344	780	11	1,138	722	4,167	167	7
	Do Small Cause Court .	283			61		1	47	87		67	19	282	1	
	Henzada	2,890	6	2	524	116	205	359	193	5	932	520	2,865	25	3
	Tharrawaddy	2,140	2	2	379	62	256	237	180	9	666	298	2 111	20	1
	Prome .	2,338	27	2	493	9	92	314	325		650	392	2 307	31	3
	Tha-yet-myo . .	1,146	4	5	253	4	111	140	146	1	305	158	1,128	16	1
	Do Small Cause Court Assistant Judge	128			15	1	1	52	45	.	5	9	128		.
	Do Small Cause Court Judge	14					2	8			2	1	13	1	
	Judicial Commissioner, British Burma	1									1		1		
Tenasserim	Amherst	1,484	18	22	171	18	93	264	238	13	434	197	1,468	16	9
	Shway gyin .	1,347	5	2	173	33	120	258	176	15	312	175	1,280	47	5
	Toungoo	1,141	9	1	139	23	95	259	142	4	320	139	1,131	10	3
	Tavoy	576		2	73	3	5	83	19	3	248	140	576		
	Mergui	517	3		53	9	4	168	112		104	61	514	3	
	Salween .	41			1	14	4	1	2		17	1	40	1	.
	Moulmein Judge's Cout	139	2		3	1	11	4	33		48	17	123	16	4
	Do Small Cause Court side .	2,942	1	4	349	40	152	177	1,154		648	337	2,871	71	9
	Total .	29 804	108	101	4 974	493	2,417	3,682	5,061	79	8,035	4 242	29,244	560	83
	In 1878	29,115	55	62	4 835	617	2,146	3,237	4 866	148	8,412	4,190	28 612	503	88

The percentage of cases disposed of on the merits was 42, as compared with 44 in 1878 and 41 in 1877. In the North-West Provinces in 1878 the percentage was 39. The percentage of cases determined *ex-parte* was 17; and that of cases dismissed for default was also 17. Cases which were compromised or decreed on confession amounted to 20 per cent. of the whole. The percentage of cases dismissed for default is certainly high. In the North-West in 1878 they were only 5·50 per cent. of the total disposed of; but the Deputy Commissioners have been careful to watch the procedure of their subordinates, and they generally think that, in a large number of petty cases, the defendant pays the amount claimed on receipt of the summons.

In some Courts I have noticed a still higher percentage, and have called for explanations. When so large a proportion of the litigation is for sums of small value in suits based on contract or tort, and when the suits for immoveable property form so small a percentage of the whole, there is nothing in these results which leads me to suspect any general irregularity.

Eighty-three suits were referred to arbitration. This mode of deciding suits is not popular in Burma, as it is expensive, the arbitrators requiring fees before they will decide the case.

7. The average duration of suits in Courts of original jurisdiction was as follows:—

Division	Name of District.	Average duration of suits.			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	14·5	7·	46·2	9·8
	Do. Small Cause Court	6·	6·	7·	7·
	Kyouk-pyoo	10·6	7·8	11·1	2·
	Sandoway	4·05	10·45	27·83	12·38
	Commissioner of Arakan or Superior Court	..	..	33·	..
Pegu.	Hanthawaddy	20·	12·	30·6	7·6
	Thone-gwa	23·	14·	18·	9·
	Bassein	23·2	11·4	22·	10·
	Do. Small Cause Court	6·	6·	4·	5·
	Henzada	23·	10·	11·	14·
	Tharrawaddy	13·56	7·45	18·18	9·20
	Prome	15·66	6·54	14·7	8·12
	Tha-yet-myo	9·8	7·2	15·2	9 8
	Do. Small Cause Court Assistant Judge	14·	10·	14·	12·
	Do. Small Cause Court Judge	9·	17·	7·	9·
	Judicial Commissioner, British Burma	..	..	50·	..
Tenasserim.	Amherst	16·	5·	18·	10·
	Shway-gyin	29·3	7·2	22·	9·2
	Toungoo	27·	10·	20·	2·5
	Tavoy	9·	5·	18·	6·
	Mergui	22·	4·	9·	2·
	Salween	18·	8·	13·	4·
	Moulmein Judge's Court	40·	16·	51·	25·
	Do. Small Cause side	12·	11·	16·	15·
	Total	15·81	7·74	20·	9·

The average duration shows an increase, the duration of contested and uncontested cases being 20 days and nine days, as compared with 15 and seven days respectively in last year; but the average has been to some extent raised by one original suit in my Court, and by the increased average duration of suits on the superior side of the Moulmein Court. Considering the difficulty of travelling in many places, the work has, on the whole, been disposed of with reasonable despatch. In some cases I have noticed a tendency of the Courts to dispose of cases too quickly. Thus the districts of Kyouk-pyoo, Toungoo, and Mergui have attained an average of two days only in uncontested cases, which, considering the day on which the plaint is filed should be reckoned in the duration, allows very little time for the defendant to appear.

There may be some error in the calculation, but, if not, the circumstances must be very exceptional which would render such a very rapid *ex-parte* despatch of business equitable. I have made enquiries as to how this average has been attained.

8. The next table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	599	209	333	34
	Do. Small Cause Court	176	37	137	2
	Kyouk-pyoo	156	91	58	7
	Sandoway	53	27	5	2
	Commissioner of Arakan	..	..	..	..
Pegu.	Hanthawaddy	484	272	90	28
	Thone-gwa	471	180	117	15
	Bassein	801	275	185	29
	Do. Small Cause Court	43	18	1	..
	Henzada	368	159	186	23
	Tharrawaddy	245	184	54	6
	Prome	460	281	113	14
	Tha-yet-myo	189	84	53	4
	Do. Small Cause Court Assistant Judge	16	16	..	..
	Do. do. Judge	1	..	..	..
	Judicial Commissioner, British Burma	..	..	..	..
Tenasserim.	Amherst	567	252	41	27
	Shway-gyin	369	241	104	4
	Toungoo	366	101	116	15
	Tavoy	109	72	30	5
	Mergui	84	55	28	1
	Salween	4	2	1	..
	Moulmein Judge's Court	197	17	74	14
	Do. Small Cause side	1,383	189	294	65
	Total	7,141	2,762	1,915	295
	In 1878	7,222	2,649	1,876	279

There was a slight decrease in the number of applications for execution of decree, but the total is still in excess of that in 1877 (6,235). Two thousand seven hundred and sixty-two applications, or 38 per cent., were completely successful, and 1,915, or 27 per cent., partially so. This result is good.

9. Processes of execution were issued as follows:—

Division.	Name of district.	Mode of execution.						Order under section 503, Civil Procedure Code.
		Delivery of possession.	Persons	Moveable property		Immoveable property		
			Imprisoned	Attached	Sold.	Attached.	Sold.	
Arakan.	Akyab	23	18	251	64	186	58	..
	Do Small Cause Court	..	14	50	5	..	..	..
	Kyouk-ypoo	..	73	55	9	62	12	..
	Sandoway	4	23	17	6	10	5	..
	Commissioner of Arakan	..	..	..	..	..	..	..
Pegu.	Hanthawaddy	18	128	251	70	148	40	..
	Thone-gwa	6	87	211	69	110	89	..
	Bassein	10	97	366	83	64	81	1
	Do Small Cause Court	..	9	4	2	..	..	..
	Henzada	15	50	147	48	115	51	..
	Tharrawaddy	8	131	99	44	72	29	..
	Prome	3	18	135	102	163	110	..
	Tha-yet-myo	..	18	75	30	52	25	..
	Do Small Cause Court Assistant Judge	..	..	6	4	..	..	..
	Do. do. Judge	..	..	1	..	..	..	..
Tenasserim.	Amherst	7	27	195	51	106	38	..
	Shway-gyin	2	7	160	28	62	12	..
	Toungoo	4	11	199	33	76	28	..
	Tavoy	17	56	19	2	27	4	..
	Mergui	..	15	19	10	12	8	..
	Salween	..	2	2	2	2	2	..
	Moulmein Judge's Court	1	7	16	10	60	45	..
	Do. Small Cause side	..	80	91	51	..	..	..
	Total	118	816	2,369	718	1 827	531	1
	In 1878	115	948	2,113	768	1,145	498	..

There was a decrease in the number of persons imprisoned in execution of decree, which is attributable perhaps to the insolvency provisions of the Code; and there was a decrease in the number of sales of moveable property, but an increase in that of sales of immoveable property.

In the Arakan division sales of immoveable property decreased in every district, the decrease amounting in all to 61. On the other hand, in the Pegu division, they rose to 324 from 213, the increase being in every district but Tha-yet-myo. In Prome the number was double what it was in 1878.

In the Tenasserim division and in Moulmein there was an almost general decrease.

The remarkable increase in Prome occurred almost entirely in the Court of the Extra Assistant Commissioner of Prome, and is explained by the Deputy Commissioner as having been the result of the Mandalay lotteries, in which the people of Prome speculated and lost heavily. The increase in the Hanthawaddy district is said to be chiefly owing to the decrees issued by the Rangoon Courts, and there is reason to fear that in that district agriculturists are borrowing money on the mortgage of lands to the money-lending Chetties. Further enquiry will be made in this matter.

10. The subjoined table shows the number of persons who applied to be declared insolvents :—

Division.	Name of district.	Number of persons applied to be declared insolvents.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	18	10	6	16	..	2*
	Kyouk-pyoo	1	..	..	..	..	1†
	Sandoway	1	1	..	1	..	..
Pegu.	Hanthawaddy	1	1	..	1	..	..
	Thone-gwa	15	3	12	15	..	..
	Bassein	17	12	4	16	1	..
	Henzada	9	3	3	6	..	3‡
	Tharrawaddy	6	3	3	6	..	..
	Prome	8	1	6	7	1	..
	Tha-yet-myo	4	4	..	4	..	..
Tenasserim.	Amherst	3	..	..	..	..	3§
	Shway-gyin	5	..	..	..	..	..
	Toungoo	10	6	4	10	..	..
	Tavoy	2	..	..	..	..	..
	Mergui	4	3	1	4	..	..
	Salween	..	..	..	..	..	..
	Judge of Moulmein	31	14	14	28	3	..
	Total ..	135	61	53	114	5	9

* Two withdrawn.
† One struck off.
‡ Three released under *gaol* rules.
§ One released for default. Two struck off

NOTE.—The Deputy Commissioners of Shway-gyin and Tavoy do not show the results of their cases.

There were 135 insolvency applications, and of these the application was granted in 61 cases and dismissed in 53.

11. The sub-joined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts and the number in which the decrees appealed against were upheld:—

Division.	Name of district.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	126	88	8	26
	Kyouk-pyoo	82	46	9	20
	Sandoway	36	20	2	12
Pegu.	Hanthawaddy	98	69	2	22
	Thone-gwa	133	83	9	39
	Bassein	327	178	39	86
	Henzada	181	114	14	41
	Tharrawaddy	110	76	6	28
	Prome	198	129	26	32
	Tha-yet-myo	104	69	14	16
Tenasserim.	Amherst	104	71	12	21
	Shway-gyin	106	65	11	18
	Toungoo	88	50	10	21
	Tavoy	112	87	7	15
	Mergui	31	19	4	8
	Salween	..	..	..	..
	Total ..	1,886	1,159*	173†	400‡

* Sixteen dismissed for default and three remanded are included.
† Six remanded are included.
‡ Six remanded are included, hence the difference between this and statement 9.

The number of appeals preferred was very little less than that of 1878, the increase on the number of 1877 being maintained. The percentage of decisions reversed or modified to the number of appeals decided is 33. The number remanded decreased, which is satisfactory, as it shows that the Appellate Courts do not remand cases too freely.

12. The subjoined table shows the work of the Appellate Courts:—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for redecision by Lower Court.	Number left pending: For more than four months.	Number left pending: Total pending.	Average duration of appeals.
Arakan.	Major W. C. Plant, Deputy Commissioner, Akyab.	133	7	87	37	4	..	7	20·6
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, Kyouk-pyoo	82	..	46	29	4	..	3	21·2
	Major M. C. Poole, Deputy Commissioner, Sandoway	30	..	17	11	..	..	2	18·
	Colonel C. P. Hildebrand, ditto ditto..	6	..	3	3	..	..	..	43·6
	Mr. G. J. S. Hodgkinson, Commissioner of Arakan	3	..	3	..	..	..	..	33·
Pegu.	Mr. W. deC. Ireland, Deputy Commissioner, Hanthawaddy	46	3	31	11	1	..	..	30·
	Major W. C. Plant, Deputy Commissioner, Hanthawaddy	52	3	29	13	2	..	5	36·
	Deputy Commissioner, Thone-gwa	133	3	80	48	..	..	2	20·
	Ditto, Bassein	327	4	178	125	2	..	18	23·
	Mr. G. L. Weidemann, Deputy Commissioner, Henzada	39	1	28	11	..	..	..	12·
	Major H. R. Spearman, ditto, ditto ..	142	..	86	44	7	..	4	12·
	Deputy Commissioner, Tharrawaddy.. ..	110	1	75	28	1	..	5	..
	Mr. A. O. Brown, Deputy Commissiner, Prome ..	27	..	20	5	2	..	..	19.5
	,, A. Hough, ditto, ditto ..	177	..	114	54	2	..	7	
	Colonel H. N. Davies, ditto, Tha-yet-myo ..	104	1	69	30	4	..	..	18·
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst.	104	..	71	27	6	..	..	27.
	Mr. C. J. F. S. Forbes, Mr. A. O Brown and Major C. H. A. Gower, Deputy Commissioners, Shway-gyin	106	..	65	29	4	..	8	28·
	Colonel G. A. Strover, Depy. Commr., Toungoo ..	88	..	50	31	3	..	3	10·
	Colonel E. J. Spilsbury and Lieut.-Col, G. E. Fryer, Deputy Commissioners, Tavoy ..	112	..	87	20	2	..	3	14·
	Colonel W. Munro and Captain J. Butler, Deputy Commissioners, Mergui..	31	..	19	12	..	..	..	8.
	Mr. J. C. Davis, Assistant Commissioner, Salween.	..	..	..	..	..	..	..	..
	Colonel A. G. Duff, Commissioner of Tenasserim.	11	1	4	4	2	..	..	41.
	Total ..	1,863*	24	1,162†	572‡	46	..	67	27·83
	In 1878 ..	1,874	24	1,089	584	54	..	123	27·24

Sixty-seven appeals were left pending, as compared with 123 in the preceding year, and the average duration was 27·83 days.

* There are 27 cases included, *viz.*, seven miscellaneous appeals from the Deputy Commissioner of Akyab, one appeal and two miscellaneous appeals from the Commissioner of Arakan, six miscellaneous appeals from the Deputy Commissioner of Prome, and 11 appeals from the Commissioner of Tenasserim, hence the difference between this and the foregoing table (*see* statement 9).

† Six dismissed for default are included by Deputy Commissioner of Akyab.

‡ Three remanded ditto ditto.

13. The next table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits :—

Division.	District.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	93	1	..	..
Tenasserim.	Amherst	9	1	..	..
	Shway-gyin	8	1	..	..
	Toungoo	3	..	1	..
	Tavoy	..	..	..	..
	Mergui	4	1	2	..
	Salween	3	1	..	1
	Total ..	120	5	3	1
	In 1878 ..	10	2	..	1

The number of decrees passed in original suits by Deputy Commissioners in the Arakan and Tenasserim divisions rose from 10 to 120, the increase being in Akyab town, and arising from the increase in litigation which was caused by the great fire there. There were few appeals.

14. The next table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
		Number.	Rs. A. P.	Rs. A. P.
Arakan.	Akyab	9,642	9,073 0 0	6,261 8 6
	Kyouk-pyoo	3,158	2,602 8 0	3,114 7 4
	Sandoway	1,407	1,199 8 0	1,294 15 9
Pegu.	Hanthawaddy	7,445	7,035 0 0	5,995 5 0
	Thone-gwa	10,518	8,971 8 0	4,732 8 0
	Bassein	16,850	14,336 0 0	7,100 0 0
	Henzada	11,303	10,358 8 0	7,908 2 9
	Tharrawaddy	6,613	5,564 12 0	4,255 5 6
	Prome	8,110	7,003 4 0	4,878 10 0
	Tha-yet-myo	4,589	4,677 8 0	3,196 12 0
Tenasserim.	Amherst	6,343	5,503 8 0	4,798 12 9
	Shway-gyin	4,826	4,497 8 0	2,811 8 0
	Toungoo	4,953	4,974 0 0	2,728 0 0
	Tavoy	2,830	2,141 8 0	1,908 0 0
	Mergui	1,880	1,787 0 0	1,569 14 0
	Salween	151	131 0 0	53 0 0
	Town of Moulmein	8,460	9,095 0 0	3,773 10 0
	Total ..	1,09,073	98,901 0 0	66,420 7 7
	In 1878 ..	1,08,626	97,302 4 0	63,680 15 11

The return of receipts and expenditure on account of service of processes shows a credit balance of Rs. 32,480-8-5, as compared with Rs. 33,621 last year. Kyouk-pyoo and Sandoway are the only districts which show a deficit.

15. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeal admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
	Deputy Commissioners.								
Arakan.	Mr. R. F St. A. St John, Akyab	7	4	..	3	..	..	7	..
	Major W. C. Plant, do.	1	..	..	1	..	..	1	..
	Mr. A. O Brown, do.	2	1	..	..	..	1	2	..
	Colonel C. P. Hildebrand, Sandoway ..	1	..	..	1	..	..	1	..
	Mr. G. J. S. Hodgkinson, Commissioner of Arakan	3	..	..	3	..	..	3	..
Pegu.	Major H R. Spearman, Rangoon	10	2	..	7	..	1	10	..
	Mr. W. deC. Ireland, do.	14	3	1	8	..	..	12	2
	Major W. C. Plant, do.	7	..	..	2	..	..	2	5
	Lieut-Colonel G E. Fryer, Thone-gwa ..	15	5	..	8	..	..	13	2
	Colonel E. J. Spilsbury, do.	4	2	..	1	..	..	3	1
	Mr. G. L Weidemann, do.	12	4	..	5	..	1	10	2
	,, G. D. Burgess, Bassein ..	10	4	..	6	..	..	10	..
	Major H. R. Spearman, Bassein	1	1	..	..	..	..	1	..
	Colonel W. Munro, do	11	4	..	5	..	..	9	2
	Mr J. K. Macrae, Henzada	3	..	..	3	..	..	3	..
	,, G. L. Weidemann, do.	6	..	..	6	..	..	6	..
	Major H. R. Spearman, do.	5	2	..	1	..	..	3	2
	Mr. C. J. F. S. Forbes, Tharrawaddy ..	13	5	..	8	..	..	13	..
	Major W C. Plant, Prome	12	8	..	4	..	..	12	..
	Mr. A. O. Brown, do.	11	3	2	6	..	..	11	..
	,, A. Hough, do.	21	4	2	13	..	1	20	1
	Colonel H. N. Davies, Tha-yet-myo	10	3	..	5	..	..	8	2
Tenasserim.	Mr. J. K. Macrae, Amherst	6	2	..	4	..	..	6	..
	,, C. J. F. S. Forbes, Shway-gyin	2	2	..	..	..	..	2	..
	,, A. O. Brown, do.	2	2	..	..	..	..	2	..
	Major H. A Gower, do.	11	2	..	8	..	..	10	1
	,, G. A. Strover, Toungoo	8	3	..	5	..	..	8	..
	Colonel E. J. Spilsbury, Tavoy	5	2	..	3	..	..	5	..
	Lieut-Colonel G. E. Fryer, do.	3	1	..	1	..	..	2	1
	Colonel W. Munro, Mergui	1	..	..	1	..	..	1	..
	Captain J. Butler, do.	1	..	..	1	..	..	1	..
	Total ..	218*	69	5	119	..	4	197	21
	In 1878 ..	150	30	1	55	..	..	86	63

One hundred and fifty-five appeals were instituted in the Court of the Judicial Commissioner, as compared with 130 in the previous year. Sixty-three cases, however, had been left pending at the close of 1878, making up a total of 218 appeals for disposal. Of these, 197 were decided and 21 left pending at the close of the year. The percentage of appeals which were wholly or partially successful was about 37, the same as in 1878.

16. The next table shows the miscellaneous appeals, *i. e.*, appeals from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner and Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
	Mr. W. deC. Ireland, Deputy Commissioner, Rangoon ..	1	..	1	..	2	..
	Lieut-Colonel G. E. Fryer, do, Thone-gwa ..	..	..	1	..	1	..
	Colonel E. J. Spilsbury, do., do ..	..	..	1	..	1	1
	Major H. R. Spearman, do., Henzada ..	1	..	..	..	1	..
	Total ..	2	..	3	..	5	1
	In 1878 ..	..	..	1	..	1	..

* Of these, one from Commissioner of Arakan and two from Deputy Commissioner of Tharrawaddy in original cases

Five miscellaneous appeals were disposed of, as compared with one in 1878; and one miscellaneous appeal was pending at the close of the year.

17. The number and result of references to the Court of the Judicial Commissioner is shown in the annexed table:—

Division	In accordance with paragraph 8 of Government of India notification No 884, dated 12th August 1868.	Under section 617, Act X of 1877	Under section 25, Act XVII. of 1875	Under section 29, Act XVII. of 1875.	Under section 34, Act XVII of 1875.	Under section 49, Act I of 1879	Total.	Court making the reference	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with opinion of referring Court.	Heard as appeals under section 34 Act XVII. of 1875	Total disposed of	Pending
Arakan	.	1	1				1	Deputy Commissioner, Akyab	1			1	
							1	Commissioner, Arakan	1		.	1	
Pegu				2		.	2	Deputy Commissioner, Bassein		2		2	.
	.		3	2			5	Ditto Henzada	1	3	.	4	1
			2	1		1	4	Ditto, Tharrawaddy		4		4	
				1			1	Ditto, Prome		1		1	
Tenasserim				1			1	Ditto, Shway-gyin		1		1	
		.		1			1	Ditto, Mergui		1		1	
Total		1	6	8		1	16*	Total	3	12		15	1
In 1878	1	5	10	10		.	26	In 1878	4	13	.	17	7

The number of references (26) was the same as last year. Twelve were decided in accordance with the opinion of the Lower Court and three contrary to that opinion. In 10 the Court considered that it was not justified by law in giving any opinion. One reference was left undisposed of at the close of the year.

18. The following table shows the work of the Judicial Commissioner as a Court of Revision:—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner or Extra Assistant Commissioner from whose decision revision was made	Revision admitted	Decision reversed	Decision modified	Decision confirmed.	Dismissed for default	Remanded	Total disposed of	Pending
	Mr. D J A Campbell, Assistant Commissioner, Akyab	2	..	..	..	..	..	..	2
	Mr W deC Ireland, Deputy Commissioner, Rangoon	1	1	..	..	..	..	1	..
	Moung Wike, Extra Assistant Commissioner, Pegu	1	..	..	..	..	..	..	1
	Mr G L. Woidemann, Deputy Commissioner, Thone gwa	1	..	..	..	..	..	..	1
	Major H R Spearman, Deputy Commissioner, Henzada	1	..	..	..	..	1	1	..
	Total ..	6	1	..	..	..	1	2	4

19. I have had charge of the office of Judicial Commissioner for the whole of the year under review.

20. There are 417 Advocates in the Courts under the Judicial Commissioner, and 32 are entitled to practice in the Judicial Commissioner's Court, of whom 13 are Barristers-at-law.

R. J. CROSTHWAITE,
Offg. Judicial Commissioner,
British Burma.

* Besides the above, there were 10 references in which the Court declined to give an opinion

PART III.

Courts under the supervision of the Commissioner of the Arakan Division.

From G. J. S. HODGKINSON, Esq., C. S., Officiating Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 89, dated the 12th February 1880.

I HAVE the honour to submit the Annual Report on the Administration of Civil Justice of the Hill District of Arakan for the year 1879.

2. The following papers are submitted in original :—

I.—Report of the Superintendent on the Administration of Civil Justice of Hill District of Arakan for the year 1879, with statements Nos. 6 to 10.

II.—General statement No. 1.

3. There has been no change in the constitution of the Courts during the year.

4. The total number of suits instituted in this district during the year was 71, whereas in the preceding year there were 49, showing an increase of 22 suits.

Suits instituted.

The increase occurred in the Court of the Extra Assistant Commissioner. In the Court of the Deputy Commissioner the number fell from 11 to 9.

The Deputy Commissioner accounts as follows for the increase in the Extra Assistant Commissioner's Court :—

" The majority of cases decided by this officer represent litigants other than " hill-men,* chiefly consisting of Arakanese or " Choungthas residing at the foot of the hills where " the head-quarters of the above officer are. It is my " confirmed opinion that the awards passed by the influential Chiefs of the country " in cases involving the usages, customs, and domestic life of the tribes have, as " in the previous year, given universal satisfaction, and have been based on grounds " of equity and morality. A system which had until recently through the practice " of ages acquired almost the force of law among the tribes, by which twice the " principal was decreed on money lent if payment was not made within the year, " is, I am glad to report, gradually disappearing. To it may be traced much of " the indebtedness of the tribes, which in past years necessitated their disposing " of members of their families as slaves."

*Also Bengalees living near Myouk-toung.

The following table shows the number of suits filed by verbal complaints and those filed by written plaints :—

Tribunal		By verbal complaint.	By written complaint.	Total
Deputy Commissioner's Court	1878	2	9	11
	1879	..	9	9
	Increase ..	..	..	
	Decrease ..	2	..	2
Extra Assistant Commissioner's Court	1878	1	37	38
	1879	..	62	62
	Increase ..	..	25	24
	Decrease ..	1	..	..
	Total 1878 ..	3	46	49
	Total 1879 ..	..	71	71
	Increase ..	..	25	22
	Decrease ..	3	..	..

Subject-matter of suits.

5. The largest number of suits in 1878 was for "money had and received," and the litigation under this head rose from 12 in 1878 to 17 in 1879. Under the head of "Goods sold" there were 13 cases more than in the previous year.

There were two cases instituted under the head of "Damages," one case under the head of "Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.," and two suits to declare and establish personal rights, whereas there was none in the previous year.

Next come suits for dissolution of marriages or enforcement of matrimonial rights. Suits under this head fell from seven to four.

Value of suits.

6. There was an increase in the number of suits, as well as in the total value of suits, which rose from 1,930 in 1878 to 3,807 in the year of report, or an increase of 97 per cent.

All the suits instituted and disposed of during the year were of a nature cognizable by a Court of Small Causes.

Suits disposed.

7. Out of 71 suits brought on the file for disposal, 20, or 28 per cent., were contested; while 49 suits, or 69 per cent., were disposed of without contest and two referred to arbitrators.

Out of the number decided on contest, 17 were decreed in favour of plaintiffs against six in the previous year, and three in favour of defendants against one in 1878.

Out of 49 suits decided without contest, one was rejected or returned, 13 were dismissed on default, seven were compromised, 25 were decreed on confession, and three were decreed *ex-parte*.

Pending cases.

8. There were no cases pending at the close of the year.

Duration of suits.

9. An improvement is observable in the Court of the Deputy Commissioner in the average duration of contested cases, *viz.*, one day in the year of report against two days in 1878; while in the Court of the Extra Assistant Commissioner the duration is four days, being the same as in the previous year.

In the Court of the Extra Assistant Commissioner the average duration of uncontested cases in the year of report was two days against four in 1878.

Execution for decree.

10. Only one application was made for execution of decree in the Court of the Deputy Commissioner, the same as in the previous year; while there was none in the Court of the Extra Assistant Commissioner.

Appeals.

11. There was one appeal from the Court of the Extra Assistant Commissioner, which was reversed on appeal.

Character of officers.

12. Major Hughes has acted as Deputy Commissioner and Superintendent of Hill Tribes, Northern Arakan, throughout the year. He well understands the people with whom he has to deal, and will be difficult to replace.

Moung Shway Hnya acted as Extra Assistant Commissioner throughout the year. The Deputy Commissioner in his report says "the judicial character of "the Extra Assistant Commissioner, also termed the Assistant Superintendent of "Hill Tribes, is good."

From Major W. G. HUGHES, M.S C., Superintendent of Hill Tracts, Northern Arakan, to the Officiating Commissioner of the Arakan Division,—dated the 1st January 1880.

I HAVE the honour to forward the Annual Report on the Administration of Civil Justice for the district of Arakan Hill Tracts for the past year.

The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the

file at the close of the year, as compared with similar results of the preceding year:—

Class and locality of Court and name of presiding Judge	Instituted		Disposed of		Pending at close of year.			
					Above four months		*Total pending*	
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year	Year of report	Previous year.	Year of report
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade.	38	62	38	62	..	..	..	..
Major W. G Hughes, Deputy Commissioner	11	9	11	9	..	..	..	..
Total ..	49	71	49	71	..	..	..	..
Increase ..	..	22	..	22	..	..	..	..
Decrease ..	..	..	..	..	..	..	..	..

There has therefore been an increase of 22 cases as compared with last year, and all in the Court of the Assistant Superintendent, Hill Tribes. The majority of cases decided by this officer represent litigants other than hill-men, chiefly consisting of Arakanese or Choungthas residing at the foot of the hills where the head-quarters of the above officer are. It is my confirmed opinion that the awards passed by the influential Chiefs of the country in cases involving the usages, customs, and domestic life of the tribes have, as in the previous year, given universal satisfaction, and have been based on grounds of equity and morality. A system which had until recently through the practice of ages acquired almost the force of law among the tribes, by which twice the principal was decreed on money lent if payment was not made within the year, is, I am glad to report, gradually disappearing. To it may be traced much of the indebtedness of the tribes, which in past years necessitated their disposing of members of their families as slaves. In the administration report of the Garo hills printed among the selection of papers from the Government of India for 1878, it would appear that the influential Chiefs of that tract are also with advantage utilized in the disposal of petty criminal cases. Here it has not been found necessary.

2. The next table shows the character of original litigation in the different classes of Courts:—

Class and locality of Court and name of presiding Judge.	Number of suits												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages on account of torts.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights	Other suits.	Remarks
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade	9	12	..	13	19	..	..	..	2	..	..	4	3	
Major W G. Hughes, Deputy Commissioner ..	..	..	..	4	5	..	..	..	..	..	..	..	..	
Total ..	9	12	..	17	24	..	..	..	2	..	..	4	3	

3. The value of original suits was as follows:—

Class and locality of Court and name of presiding Judge.	Number of suits disposed of valued at not exceeding rupees							Above Rs. 1,00,000.	Total value of suits.
	5	20	100	500	1,000	10,000	1,00,000		
									Rs. A. P.
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade	9	20	27	6	..	..	..	..	2,957 1 9
Major W. G. Hughes, Deputy Commissioner	..	1	6	2	..	..	..	..	850 11 6
Total ..	9	21	33	8	..	..	..	..	3,807 13 3

The value of suits aggregated Rs. 3,807-13-3, and all were of a nature cognizable by a Court of Small Causes.

4. The manner in which the litigation was disposed of in the several Courts is shown:—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.	Remarks.
										Judgment for plaintiff in whole or in part.	Judgment for defendant.				
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade	62	..	1	10	..	6	23	3	..	14	3	60	..	2	
Major W. G. Hughes, Deputy Commissioner ..	9	..	..	3	..	1	2	..	..	3	..	9	..	..	
Total ..	71	..	1	13	..	7	25	3	..	17	3	69	..	2	

5. The average duration of suits in each Court of original jurisdiction was as follows:—

Class and locality of Court and name of presiding Judge.	Average duration of suits			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade	4·7	4·16	4·	2·
Major W. G. Hughes, Deputy Commissioner ..	2·5	1·	1·66	..
Total ..	3·6	2·58	2·83	2·

6. The next table shows the number of applications for execution and the degree in which the applications were satisfied :—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year	Decrees completely executed.	Decrees partially executed.	Pending at close of year
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade	..	..	..	..
Major W. G Hughes, Deputy Commissioner	1	1	..	..
Total ..	1	1	..	..

7. Processes of execution were issued as follows :—

Name of district	Mode of execution.						
		Persons	*Moveable property*		*Immoveable property*		
	Delivery of possession	Imprisoned	Attached.	Sold.	Attached	Sold.	Orders under section 305, Civil Procedure Code.
Shway Hnya, Officiating Extra Assistant Commissioner, 3rd class, 3rd grade. ..	..	..	..	..	..	..	..
Major W. G. Hughes, Deputy Commissioner..	..	1	..	..	..	..	..
Total ..	..	1	..	..	..	..	..

8. The subjoined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts, and the proportion in which the decrees appealed against were upheld :—

Name of Extra Assistant or Assistant Commissioner.	Number of appeals preferred	Number of decrees confirmed.	Number of decrees modified	Number of decrees reversed	Proportion of reversals and modifications to appeals preferred.
Shway Hnya, Officiating, 3rd class, 3rd grade	1	..	..	1	1

9. The judicial character of the Extra Assistant Commissioner, also termed the Assistant Superintendent of Hill Tribes, is good. Records of cases have been examined and useless papers destroyed.

W. G. HUGHES, Major,
Superintendent of Hill Tracts.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

B.—JUDICIAL.

1.—*Showing the various Judicial Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1879.*

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles	Average population of each division.	Number of tribunals.	Constitution of tribunals stating number of Judges in each and Jury or Assessors, if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. *Europeans.* Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipt from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
														Rs. A. P.	Rs. A.							
Assistant Magistrate of Kemmendine exercising criminal powers only. Paid.	1	...	...	1	1	Magistrate of 2nd class ...	...	...	...	...	1	...	4,200	...	335 0	...	253	12	289	...	...	...
Assistant Magistrate of Rangoon exercising criminal powers only. Paid.	1	...	...	1	1	Magistrate of 1st class and Justice of the Peace.	...	...	...	1	...	6,000	...	...	837 0	Member of Cantonment Committee; Official Visitor, Central Gaol and Lunatic Asylum.	295	18	1,707	...	...	...
Town Magistrate of Rangoon, exercising criminal powers only. Paid.	1	...	...	1	1	District Magistrate and Justice of the Peace.	...	...	1	...	...	12,000	...	22,364 0 0	424 0	Collector of Revenue; President of Municipal, Hospital, and Dalhousie Park Committees; official Visitor, Central Gaol and Lunatic Asylum, Rangoon.	223	18	411	...	...	3

Small Cause Courts confined to proper functions Second Judge. Paid.	1	..	...	1	1 Judge	Original jurisdiction up to Rs. 500.	...	...	...	...	1	..	6,000	9,185	5	4	9,189	6	...	214	32	...	Reg. 1,587 Misc. 1,005 Total 2,592	...	...
Small Cause Courts confined to proper functions. First Judge. Paid.	1	45	106,644	1	Ditto	Original jurisdiction up to Rs. 1,000.	...	...	...	1	..	12,000	...	18,880	1	10	24,433	7	...	196	16	...	Reg 2,822 Misc. 2,003 Total 4,825	...	...
						Civil.																					
Recorder of Rangoon exercising original, civil, criminal, admiralty and insolvency jurisdictions.	1	45	...	1	1 Judge and five Jurors.	Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes. Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof. Original jurisdiction up to Rs. 500 Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein. Powers of a District Judge. Powers of a District Judge under the Indian Divorce Act throughout British Burma. Powers of a High Court in respect of the Court of Small Causes, Rangoon. *Criminal.* Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon. Criminal appellate jurisdiction. Powers of a High Court for the trial of European British subject throughout British Burma. Powers of a High Court in respect of the Magistrates of the Town of Rangoon.	Barrister of not less than five years' standing.	...	...	1	..	30,000	...	45,079	2	8	48,103	14	One of the Judges of the Special Court.	Every day, Sundays, and authorized holidays excepted.	13	As a Court of Sessions 48 As a High Court ... 9	Regular 215 Matrimonial 8 Insolvency 80 Miscellaneous 258 Total 561	..	20
Total ..	6	45	106,644	6	6			.	1	3	2	60,000	10,200	95,508	9	10	83,322	11	.	.	109	2,464	7,948	..	23

Abstract.—2 Assistant Magistrates 1 Magistrate 2 Judges, Small Cause Courts. 1 Recorder

6.—(Civil).—Statement showing the number and description of Civil Suits instituted in the Civil Courts of the Town of Rangoon in the year 1879.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs 500, COGNIZABLE BY SMALL CAUSE COURTS, FROM "OTHER CASES."																OTHER SUITS.														REMARKS.
	On written obligation		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the rent law*		*Moveable property, or value thereof.*		*Damages*		*Suits for immoveable property.*	*Suits for specific performance of contract.*	*Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.*	*Suits to declare and establish personal rights*	*Suits for an account.*	*Suits relating to religious endowments.*	*Suits to set aside judgments, contracts, or obligations on the ground of fraud*	*Suits for dissolution of marriage*	*Suits for enforcement of matrimonial rights*	*Suits for partition.*	*Suits relating to shipping.*	*Suits relating to religion and caste.*	*Other suits.*	
	Rs. 500 and under	Above Rs. 500.	Rs 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500	Rs 500 and under	Above Rs. 500.	Rs 500 and under	Above Rs 500.	Rs. 500 and under.	Above Rs. 500	Rs. 500 and under	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.														
Court of Small Causes.																															Total.
Second Judge ...	506	..	279	...	9		140	...	381	...	31	..	203	..	18	..	6	..	...	...	..	..	...	...	...	...	...	...	..	..	.	1,573 cases—should be 1574, one case missing and not registered.
First Judge .	1,154	68	698	6	20	..	132	2	377	4	16	10	163	.	112	2	24	2	.	.	.	.	.	..	...	...	..		.	..	...	2,790
Recorder's Court	1	60	..	5		5		7	..	4	...	1	...	.		5	2	6	61	7	6	2	12	..	..	17	12	...	...	.	14	227
Total ..	1,661	128	977	11	29	5	272	9	758	8	47	11	366		130	7	32	8	61	7	6	2	12	.	...	17	12	...	..	..	14	4,590

B.—JUDICIAL.

7.—(Civil.)—Statement showing value of Suits disposed of in the Civil and Revenue Courts of the Town of Rangoon in the year 1879.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Small Cause Court, 2nd Judge.	Small Cause Court, 1st Judge.	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts.	Superior Courts: Recorder's.		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P.	
Not exceeding 5	71	57	...	...	...	497 1 0	31 suits in the Recorder's Court, without any estimated value, were disposed of.
Ditto 20	523	634	...	...	1	15,423 6 7	
Ditto 100	663	1,352	...	...	2	99,049 11 9	
Ditto 500	330	678	...	...	20	2,19,738 10 10	
Ditto 1,000	...	101	...	...	13	83,041 5 0	
Ditto 5,000	...	...	...	...	116	2,45,876 15 11	
Ditto 10,000	...	...	...	...	23	1,68,743 3 3	
Ditto 1,00,000	...	...	...	...	16	3,66,642 5 7	
Exceeding 1,00,000	...	...	...	...	1	1,25,000 0 0	
Total ...	1,587	2,822	...	...	192	13,24,012 11 11	

8.—(Civil).—Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Town of Rangoon in the year 1879.

CLASS OF COURTS.	Suits remaining from last year, 1878.	Instituted in 1879.	Received by transfer.	Total for disposal	Transferred to other Courts.	Plaint rejected or returned	Dismissed for default.	Withdrawn with leave	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*	CONTESTED: Judgment for plaintiff in whole	CONTESTED: Judgment for defendant.	Total disposed of.	Pending.	Over two months.	Over four months.	AVERAGE DURATION OF SUITS: Contested.	AVERAGE DURATION OF SUITS: Uncontested.	Referred to arbitration.
																			Days.	Days.	
SMALL CAUSE COURTS. 2nd Judge ...	51	1,574	1	1,626	39	14	402	2	28	198	554	3	219	127	1,586	37	1	2	15	18	1
SMALL CAUSE COURTS. 1st Judge ...	128	2,751	39	2,918	1	4	439	45	149	215	922	25	579	440	2,819	96	3	4	30½	21	3*
Total	179	4,325	40	4,544	40	18	841	47	177	413	1,476	28	798	567	4,405	133	4	6	26·9	20	4
Superior Courts of General Jurisdiction Recorder's Court .	17	220	.	237	...		15	7	20	18	54	.	78	23	215	22	2	1	70½	37½	..
SUPERIOR COURTS OF SPECIAL JURISDICTION. Admiralty	...	1	...	1	.	..	...	...	...	.	.		..	...	.	1	..	..			..
SUPERIOR COURTS OF SPECIAL JURISDICTION. Matrimonial	1	7	...	8	..	.	1	...	..	..	2		3	2	8	...	...	..			...
SUPERIOR COURTS OF SPECIAL JURISDICTION. Insolvent ...	13	53	...	66	.	...	...	...	...	..	.	...	.	..	50	16	.	...			...
Total ...	31	261		312	..	..	16	7	20	18	56	.	81	25	273	39	2	1		...	..
GRAND TOTAL ...	210	4,606	40	4,856	40	18	857	54	197	431	1,532	28	879	592	4,678	172	6	7	...	...	...

REMARKS.

Total cases for disposal ... 1,626
No. disposed of . Contested ... 346; Uncontested . 1,240; By arbitration 1
Pending at close of year . 37
Cases missing particulars not entered in register . 1
Cases retransferred from 1st Judge's Court, and not re-registered . 1
1,626

* Total cases for disposal 2,918
No disposed of .. Contested ... 1,019; Uncontested .. 1,800; By arbitration 3
Pending at close of year . 96
2,918

B.—Judicial.

9.—(Civil).—Statement showing the business of the Civil and Revenue Appellate Courts exercising jurisdiction within the Town of Rangoon in the year 1879.—Blank.

10.—(Civil).—Statement showing the execution of the Decrees of the Civil and Revenue Courts in the Province of British Burma, inclusive of the Town of Rangoon, in the year 1879.

Class of Court.	Applications to execute decrees.				Decrees completely executed.	Decrees partially executed.	Pending at the end of 1879.	Decrees executed by possession being given.	Nature and number of coercive processes issued.						Remarks.	
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	*Moveable property.*		*Immoveable property.*		Orders under section 243, Code of Civil Procedure.		
										Attached.	Sold.	Attached.	Sold.			
Court of Small Causes, 2nd Judge ...	10	533	4	547	146	47	6	...	57	76	39	..	...	...	Decrees completely executed ...	146
															Decrees partially executed ...	47
															Cases in which parties have compromised and the writs have been returned unexecuted ...	88
															Cases in which no result have been obtained ...	265
															Cases pending at the close of the year.	6
															Total applications for execution ...	547
Court of Small Causes, 1st Judge ...	53	1,139	8	1,200	578	91	29		112	140	51	..	...	...	Decrees completely executed ...	578
															Decrees partially executed ..	91
															Cases in which parties have compromised and the writs have been returned unexecuted	64
															Cases in which no result have been obtained	438
															Cases pending at the close of the year.	29
															Total applications for execution ...	1,200
Recorder's Court.	14	91	23	128	24	43	7	.	31	14	5	17	30	.	Decrees completly executed ...	24
															Decrees partially executed ..	43
															Cases in which parties have compromised and the writs have been returned unexecuted	31
															Cases in which no result have been obtained	23
															Cases pending at the close of the year.	7
Total ...	77	1,763	35	1,875	748	181	42	.	200	230	95	17	30	.	Total applications for execution ...	128

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

B. JUDICIAL.

1.—Statement showing the various Judicial Tribunals, Original and Appellate, existing in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1879.

Class of tribunal, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges	Number of judicial divisions	Average area of each division in square miles	Average population of each division	Number of tribunals	Constitution of tribunals stating number of Judges in each and jury or Assessors if any	Judicial powers of each tribunal, original and appellate	Prescribed qualification of Judges previous to appointment	Total number of Judges: Europeans: Covenanted	Europeans: Commissioned Military Officers	Europeans: Uncovenanted	Natives	Average annual salary of each paid Judge: European	Average annual salary of each paid Judge: Native	Total cost of tribunals	Net receipts from stamps	Executive or other functions exercised by the same officer	Average number of days in the year devoted to judicial work	Average number of Advocates attached to each tribunal	Number of cases decided during the year: Criminal	Civil	Revenue	Appeal
												Rs.	Rs.	Rs								
Local and subordinate Magistrates exercising criminal powers only Unpaid	2			2	1 Judge	Magistrates of the 2nd and 3rd classes under section 20, Act X of 1872.	..			1	1	.	.		Rs 5,16,700-8-0				79	.		
Ditto ditto exercising criminal powers only Paid.	1			1	1 do.	Magistrates of the 2nd and 3rd classes under section 20, Act X. of 1872.			1			1,200	..	1,200				2	72		.	
Ditto ditto exercising civil and criminal powers only Paid.	1			1	1 do	Magistrate of the 1st class under section 20, Act X of 1872, and powers of a Small Cause Court to try suits up to Rs. 50 in value.			1		.	24,000		24,000		Assistant Commissioner	..		133	128		
Ditto ditto exercising civil powers only Paid.	2	..		2	1 do	Civil original jurisdiction up to Rs 3 000 and Rs. 5 000 as Courts of grade (2) under sections 12 and 13 of Act XVII of 1875 One Judge has powers of a Small Cause Court up to Rs 100 in value.	..				2		4,800	10,398				11		865		
Ditto ditto exercising criminal, civil, and revenue powers Paid.	98	..		98	1 do	Magistrates of the 2nd and 3rd classes under section 20 Act XVII. of 1875. Civil original jurisdiction up to Rs 500 and Rs 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII of 1875, with revenue powers under the rules of the province		8		4	86	8,200	8,290-10-8	2,18,127			.	93	17,792	13,657	5,065	
Ditto ditto exercising criminal, civil, and revenue powers Paid.	1		...	1	1 do	Magistrate of the 3rd class under section 20, Act X of 1872. Civil original jurisdiction of whatever value or amount under section 2(a) of the Arakan Hills Civil Justice Regulation, 1874 Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.					1		1,200	2,957-1 9			holidays excepted.		40	62		

Small Cause Courts confined to proper functions. Paid.	13	54,720		1	Both under Act XVII. of 1875. One Judge for both Courts. Jurors employed in Sessions' trials.	Civil original jurisdiction in civil suits up to Rs. 1,000, under section 12 of Act XVII. of 1875.	...	...	...	1	...	17,520	...	31,273-2-9		Sessions Judge	Sundays and	29	19	2,871 Reg. & 1,401 Mls.		10
Court of the Judge of the Town of Moulmein. Paid.	1			1		Civil original sessions and criminal appeal under Act XVII. of 1875; also powers of a Small Cause Court, with jurisdiction up to Rs. 1,000, under section 12, Act XVII. of 1875.												6		123 Reg. & 341 Mls.	...	
Magistrates of 1st class exercising criminal powers only. Paid.	2	69·5	974,094	2	1 Judge	Magistrates of the 1st class under section 20, Act X. of 1872, and Justices of the Peace.	...	1	1	...	...	23,300	...	32,830-10		Presidents of the Municipal Committees.	...	32	2,063	...	...	...	
Magistrates of 1st class, exercising criminal, civil, and revenue powers. Paid.	14	...	...	14	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872, and Justices of the Peace. Civil jurisdiction up to Rs. 3,000 under Act XVII. of 1875. Revenue powers under the rules of the province.	...	6	5	3	...	7,400	...	94,638	Rs. 5,10,700-8.	...	...	24	1,998	2,878	1,089	..	
Magistrates of districts, exercising criminal, civil, and revenue powers as also special powers under section 36 of Act X. of 1872. Paid.	17	..	..	17	1 do.	Magistrates of the 1st class under section 20 of Act X. of 1872, Civil original jurisdiction in all suits, of whatever value or amount, with appellate civil powers over all Courts of grade (1) and of grade (2), as defined in section 12, Act XVII. of 1875. Revenue, original, and appellate powers as in the revenue rules of the province; also additional powers under section 36 of Act X. of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts, and are also Justices of the Peace. One Judge, Civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V. of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the Courts in his district under section 2 (b) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	.	1	11	5	...	16,850	...	2,01,457-0-7		...	...	54	1,376	1,490	4,285	1,054	
Sessions Courts Paid	3	...	...	3	1 do. with Assessors in Sessions trials.	Powers of Court of Sessions under section 15 of Act X. of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief Courts of districts and Magistrates of the 1st class. Powers of a High Court in all civil matters in the Hill district of Arakan.	..	1	2	...	...	32,333-5	..	1,35,970-10-8	...	.	...	11	112	.	121	300 Criml. 37 Rev.	
Court of the Judicial Commissioner. Paid.	1	...	...	1	1 Judge	Powers of a High Court ...	..	1	...	..	...	96,400	.	39,504	4,855	...	...	11	24	1	.	*1,272	

*Civil 164; Criminal 148; Appeals at Court of Sessions 43; Revisions (Civil) 6; Revisions (Criminal) 911—Total 1,272.

ABSTRACT.

1 Judicial Commissioner.
3 Commissioners.
1 Judge.

13 Deputy Commissioners.
2 Town Magistrates.
27 Assistant Commissioners.

2 Assistant Cantonment Magistrates.
103 Extra Assistant Commissioners.
2 Honorary Magistrates.

B.—JUDICIAL.

6.—(Civil).—Statement showing the number and description of Civil Suits instituted in the Civil Courts of the Province of British Burma, exclusive of the town of Rangoon, in the year 1879.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 200, COGNIZABLE BY SMALL CAUSE COURTS, FROM "OTHER CASES."																SUITS UNDER THE RENT LAW.		OTHER SUITS.											
	On written obligation.		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the rent law.*		*Moveable property or value thereof.*		*Damages.*													
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	For pottahs or kubooluts.	For ejectment or recovery of possession.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to religion and caste.	Dissolution of partnership.	REMARKS.
Small Cause Court ...	1,859	...	384	...	6	...	113	...	724	...	498	...	21	...	204	...	31	...	...	...	...	...	...	...	...	...	...	...	...	...	Total. 3,840
Paid sub-divisonal Courts	3,773	237	4,072	24	397	25	1,291	7	3,110	25	1,853	38	241	1	2,968	34	4,204	23	4	7	1,629	61	35	63	5	23	854	109	160	17	12	25,322
Chief Courts of districts	...	89	1	6	1	2	1	5	1	4	...	9	1	...	...	6	1	9	...	...	5	3	4	5	4	...	1	8	...	...	1	167
Divisional Court ...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Chief Court of the Province	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	1
Total ...	5,632	326	4,457	30	404	27	1,405	12	3,835	30	2,351	47	263	1	3,172	40	4,236	33	4	7	1,634	84	89	68	9	23	855	117	160	17	13	29,331

B.—Judicial.

7.—(Civil).—Statement showing the value of Suits disposed of in the Civil Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

Value of Suits.	Number of suits disposed of in different Courts.					Total value of suits.	Remarks.
	Village Courts.	Small Cause Courts.	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts.	Superior Courts.		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P.	
Not exceeding 5	...	284	1,942	...	...	7,225 10 9	Suits without value 210.
Ditto 20	...	1,111	5,637	2	...	1,01,339 8 10	
Ditto 100	...	1,788	12,735	3	...	7,44,627 11 7	
Ditto 500	...	641	4,187	15	...	9,96,097 9 7	
Ditto 1,000	...	85	323	9	...	2,90,363 10 5	
Ditto 5,000	...	...	150	99	2	4,61,767 14 1	
Ditto 10,000	...	...	1	10	...	69,259 4 0	
Ditto 100,000	...	...	...	10	...	2,06,768 11 0	
Exceeding 100,000	...	...	...	...	...	...	
Total ...	...	3,909	24,975	148	2	28,77,440 0 3	

8 —(Civil).—Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

CLASS OF COURTS.	Suits remaining from last year.	Instituted.	Received by transfer.	Total for disposal	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	CONTESTED.		Total disposed of.	Pending.	Over two months.	Over four months.	AVERAGE DURATION OF SUITS.		Referred to arbitration.	REMARKS.
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		
Small Cause Courts	144	3,840	...	3,984	1	4	563	47	176	360	1,435	...	890	424	3,909	75	3	1	9·6	9·6	9a	a Included in the total column disposed of.
Paid Sub-Divisional Tribunals .. .	339	25,225	75c	25,634	104	97	4,407	445	2,226	3,313	3,591	79	7,075	3,791	25,167	467	8	2	10	7	70b	b Of which 39 included in the total column disposed of. c Of which five not included in total column for disposal by Deputy Commissioner of Amherst.
Chief Courts of Districts ...	19	162	3	184	3	...	4	1	15	9	35	...	88	27	166	18	1	3	14	13	4d	d Included in the total column disposed of.
Commissioner's Court ..	...	1	...	1	.	...	...	..	..	...	...	...	1	...	1	...	...	...	33	...	...	
Judicial Commissioner's Court	.		1	1	...	...	...	...	...	...	...	..	1	..	1	..	...	..	50	.		
Total ..	502	29,228	79	29,804	108	101	4,974	493	2,417	3,682	5,061	79	8,035	4,242	29,244	560	12	6	20	9	83e	e Of which 52 included in the total column disposed of.

B.—JUDICIAL.

9.—(Civil).—Statement showing the business of the Civil & Revenue Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

Class of Courts.		Remaining.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default, or under sections 5 and 6, Act. XXIII. of 1861.	Heard *ex-parte*.			Contested.				Total disposed of.	Pending.	Over four months.	Objections under section 348, Act VIII. of 1859.	Objections allowed.	Remarks.
								Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
Chief Appellate Court of District	Civil appeals	117	1,719	...	1,836	...	23	133	2	6	1,007	165	368	44	1,766	67	...	...	...	1 withdrawn.
	Miscellaneous appeals ...	...	13	...	13	...	...	1	...	...	8	...	4	...	13	...	...	...	...	
Superior Appellate Courts other than Chief Court of Province, each class of Court being specified.	Civil appeals	2	10	...	12	...	1	1	1	...	4	2	1	2	12	...	...	...	...	
	Miscellaneous appeals ...	1	1	...	2	...	...	1	...	...	1	...	...	...	2	...	...	...	...	
Court of the Judicial Commissioner ...	Regular appeal from Judge or Bench in original jurisdiction	...	3	...	3	...	...	2	..	...	1	...	...	...	3	...	...	...	...	
	From District Courts, second appeals	63	152	...	215	...	...	41	...	11	75	5	58	4	194	21	1	...	..	
	Miscellaneous appeals ...	...	6	...	6	...	...	1	...	...	2	...	2	...	5	1	...	...	...	
	Civil revisions	...	6	...	6	...	...	...	...	...	...	...	1	1	2	4	...	...	...	
	Total ...	183	1,910	...	2,093	...	24	180	3	17	1,098	172	454	51	1,999	93	1	...	...	1 withdrawn

B.—JUDICIAL.

10.—(Civil).—Statement showing the execution of the Decrees of the Civil Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1879.

CLASS OF COURTS	APPLICATIONS TO EXECUTE DECREES				Decrees completely executed	Decrees partially executed	Pending at the end of 1879	Decrees executed by possession being given	NATURE AND NUMBER OF COERCIVE PROCESSES ISSUED						REMARKS
									Imprisonment of person	*Moveable property*		*Immoveable property*		Orders under section 243, Code of Civil Procedure	
	Pending	Filed	Received by transfer	Total						Attached.	Sold.	Attached	Sold.		
Small Cause Courts	117	1,502		1,619	260	432	67		103	152	62	..			150 struck off
Local Sub-divisional Civil Courts	149	4,967	175	5,291	2,473	1,398	209	117	703	2,190	642	1,263	483	1	953 struck off, of which 230 are included.
District Courts	26	198	7	231	29	85	19	1	10	27	14	64	48		3 struck of 4 do included. 3 held in abeyance, being under the protection of the Insolvency Court.
Total	292	6,667	182	7,141	2,762	1,915	295	118	816	2,369	718	1,327	531	1	876 struck off.

APPENDICES TO PART III.;

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

B.—JUDICIAL.

1.—*Statement showing the various Tribunals, Original and Appellate, existing in the Hill District of Arakan on the last day of the year 1879.*

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES. European. Covenanted.	Commissioned Military Officers.	Uncovenanted.	Native.	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE. European.	Native.	Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR. Criminal.	Civil.	Revenue.	Appeal.
												Rs. A. P.	Rs.	Rs. A. P.								
Local and Subordinate Magistrates exercising criminal, civil, and revenue powers. Paid.	1	...	...	1	1	Subordinate Magistrate of the 3rd class under section 20 of Act X. of 1872. Civil original jurisdiction intimated under section 2 (*a*), of the Arakan Hills Civil Justice Regulation, 1874. Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200	2,957 1 9	...	...	Sundays and authorized holidays excepted.	...	40	62	...	...
Magistrates of full powers exercising criminal, civil, and revenue powers. Paid.	1	1,213	...	1	1	Full magisterial powers under section 36 of Act X. of 1872, and Additional powers under section 26 of the same Act. Appellate criminal powers over all the Courts in this district. Civil original jurisdiction without limit and appellate civil powers over all the Courts in this disrtict under section 2 (*b*), of the Arakan Hills Civil Justice Regulation, 1874.	...	...	1	...	...	21,800 0 0	...	22,650 11 6	...	...		...	21	9	...	3

							Revenue, original, and appellate powers, as prescribed in the Arakan Hill District Laws Regulation, 1874																
Sessions Judge	Paid	1			1	1	Powers of a Court of Sessions under section 15, Act X of 1872.	..	1		.		28,066 10 8		30,970 10 8							..	..
							Appellate jurisdiction, criminal and revenue over the Chief Court of District and Magistrate of the 1st class.																
							Powers of a High Court in civil matters under section 2 (c), of the Arakan Hills Civil Justice Regulation, 1874.																

Abstract

1 Extra Assistant Commissioner.
1 Deputy Commissioner
1 Commissioner

6.—(Civil).—Statement showing the number and description of Civil Suits instituted in the Civil Courts of the Hill District of Northern Arakan in the year 1879.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 500, COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES"																		OTHER SUITS,										REMARKS.
	On written obligation.		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold*		*Breach of contract not mentioned above.*		*Rent not falling under the rent law*		*Moveable property, or value thereof*		*Damages.*												
	Rs 500 and under	Above Rs 500.	Rs 500 and under	Above Rs 500.	Rs 500 and under.	Above Rs 500	Rs 500 and under.	Above Rs 500.	Rs. 500 and under	Above Rs 500	Rs. 500 and under.	Above Rs 500	Rs. 500 and under.	Above Rs 500	Rs 500 and under.	Above Rs. 500.	Rs 500 and under	Above Rs. 500.	Suits for immoveable property.	Suits for specific performance of contract	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights	Suits for partition.	Suits relating to shipping	Suits relating to religion and caste	
																													Total.
Paid Sub-Divisional Tribunal (Shway Hnya, Magistrate of the 3rd class, 3rd grade)	9	.	12	...	..	..	13	...	19	...	..	..	.	...	...	..	2	.	...	.	1	2	...	.	.	3	1		..	..	62
Chief Court of district (Major W. G. Hughes, Deputy Commissioner) . .	..	.	.	..	..	..	4		5	...	.	...	..	...	...	..	...		.	.	..	.	...	...	...	...	.	...	...	...	9
Total ...	9		12	.		.	17	..	24	.	..	.		.	.		2	.	...	..	1	2	...	..	.	3	1				71

B.—JUDICIAL.

7.—(Civil).—Statement showing value of Suits disposed of in the Civil and Revenue Courts of the Hill District of Northern Arakan in the year 1879.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Village Courts.	Small Cause Courts.	Moonsiffs', Deputy Collectors, and other sub-divisional Courts.	District Courts.	Superior Courts.		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P.	
Not exceeding 5	....	.....	9	.....	.....	29 14 6	
Ditto 20	.. ..	.....	29	1	.....	282 8 9	
Ditto 100	.....	....	27	6	.....	1,498 6 0	
Ditto 500	.....	...	6	2	.....	1,997 0 0	
Ditto 1,000	.....	. .	.....	.....	.....	... .	
Ditto 5,000	. .	.....	.....	.....	.....	.....	
Ditto 10,000	....	.....	.....	.....	.....	.....	
Ditto 100,000	. ..	.....	.....	.....	... .	. ...	
Exceeding 100,000	. ..	. ..	. .	.. .	. ....	..... .	
Total ...	.....	... .	62	9	.....	3,807 13 3	

B.—Judicial.

8.—(Civil).—Statement showing the general result of the trial of Civil Suits in the Courts of Original Jurisdiction in the Hill District of Northern Arakan in the year 1879.

Class of Court	Suits remaining from last year	Instituted in 1879	Received by transfer	Total for disposal	Transferred to other Courts	Plaint rejected or returned	Dismissed for default.	Withdrawn with leave	Compromised	Decreed on confession	Decreed *ex parte*	Dismissed *ex-parte*	Contested.		Total disposed of	Pending	Over two months	Over four months	Average duration of suits		Referred to arbitration	Remarks.
													Judgment for plaintiff in whole or part.	Judgment for defendant					Contested	Uncontested		
Paid Sub-Divisional Tribunals		62		62		1	10		6	23	3	..	14	3	60				4·0	2·10	2	43 witnesses
District Courts other than Chief Courts of District		9		9			3	.	1	2			3		9	.	.	.	1 66		.	32 witnesses
Total		71		71		1	13		7	25	3		17	3	69				2·83	2·10	2	75 witnesses

B.—JUDICIAL.

9.—(Civil).—Statement showing the business of the Civil and Revenue Appellate Courts of the Hill District of Northern Arakan in the year 1879.

CLASS OF COURT	Remaining	Instituted	Received by transfer	Total	Transferred	Dismissed for default, or under sections 5 and 6, Act XXIII of 1861	HEARD EX-PARTE			CONTESTED				Total disposed of	Pending	Over four months	Objections under section 848, Act VIII of 1859	Objections allowed	REMARKS
							Confirmed	Modified	Reversed	Confirmed	Modified	Reversed	Remanded						
Civil Appellate Court other than Chief Court of district		1		1	.	..		.		.		1	.	.		.	—	..	
Total ...		1		1		..	.		.			1	.	..	..	..		.	

B.—JUDICIAL.

10.—(Civil).—Statement showing the execution of the Decrees of the Civil and Revenue Courts in the Hill District of Northern Arakan in the year 1879.

CLASS OF COURT	APPLICATIONS TO EXECUTE DECREES				Decrees completely executed	Decrees partially executed	Pending at the end of 1879	NATURE AND NUMBER OF COERCIVE PROCESSES ISSUED						REMARKS
	Pending	Filed.	Received by transfer	Total				Imprisonment of person.	*Moveable property*		*Immoveable property.*		Orders under Section 248, Code of Procedure	
									Attached.	Sold.	Attached.	Sold		
Deputy Commissioner	..	1	..	1	1	.		1	.					
Total ..	..	1	..	1	1		..	1	.	..		.		

APPENDIX.

ERRATA.

Page 9.—The number of suits pending from 1878 is given here and in *Statement 8* as 502; on page 13 the number is stated at 508

Page 18.—In the note to the table showing the work of the Appellate Courts, three appeals *from* the Commissioner of Arakan are said to be included in the table As such appeals would lie to the Judicial Commissioner, it is not clear what became of these, the Judicial Commissioner's Court being excluded from the statement. Possibly *from* is a mistake for *to*.

Page xv —The number of appeals pending at the close of 1878 is shown as 183, instead of 186 as in the statement appended to the report for 1878. The discrepancy occurs in the number returned as pending from Chief Appellate Courts of districts.

Page xvi.—The number of applications for execution of decrees pending at the close of 1878 differs from the number shown in the statement appended to the report for that year.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1880.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1881.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1880.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 11B, dated the 15th July 1881.

READ—

Reports on the administration of civil justice in British Burma during the year 1880.

RESOLUTION.—The total number of civil suits instituted in the Courts of British Burma during the year 1880 was 31,011, a considerable decrease on the total of recent years, which stood thus:—

Total civil suits of 1879	...	...	...	...	33,884
Ditto ditto 1878	...	...	...	...	33,983
Ditto ditto 1877	...	...	...	...	31,651
Ditto ditto 1876	...	...	...	...	30,513

The decrease was largest in the Court of Small Causes at Rangoon, where the office of second or Burman Judge was vacant for the greater part of the year. But decrease is apparent in all districts, both on the sea-board and in the interior, Hanthawaddy, Amherst, and Mergui only excepted. No general explanation can be found for the decrease in civil litigation; but among other causes are stated the contraction of their business by Chetties, or money-lenders of Madras extraction, the good crop which enabled people to pay their debts without trouble, and the discouragement shown by the Courts to suits for damages on account of fancied wrongs.

Value of litigation.

2. The total value of the suits disposed of during 1880 was Rs. 32,69,534; and the average value of each suit was Rs. 107, as compared with Rs. 125, Rs. 106, Rs. 96, and Rs. 93 per suit in the four preceding years. Out of the total suits decided during the year the value of the property in litigation was—

Rs. 20 or under in	...	...	...	9,203, or 30 per cent. of the whole.
From Rs. 20 to Rs. 100 in	...	...	...	15,291, or 50 ditto.
Over Rs. 100 in	...	...	...	6,073, or 20 ditto.

In 343 suits, chiefly matrimonial causes, the subject of litigation could not be valued.

Distribution of business.

3. Original civil suit business was distributed among the several Courts thus—

Recorder's or High Court	...	...	...	168 cases.
District Courts	...	...	...	185 do.
Small Cause Courts	...	...	...	6,639 do., or 21 per cent. of the whole.
Sub-divisional and Township Courts		...	...	23,575 do., or 76 ditto.

The last grade of Courts are for the most part presided over by Burman Judges, who dispose of about 74 per cent. of the original civil suits in the province. In some of the Deputy Commissioners' reports, notably in the Henzada report, suggestions are made for giving Small Cause Court powers to experienced Judges. The matter has been carefully considered during the past year, and with the advice of the Judicial Commissioner these powers have been conferred on a few selected Judges. It was not thought advisable to remove the check, which liability to appeal imposes, from the majority of Judges. If hereafter a District Officer desires that a particular Judge should be vested with Small Cause Court powers, he can show cause therefor through the Commissioner; and any such recommendation, if supported by the Judicial Commissioner, will be carefully considered. As yet appeals are not very numerous; and in the present state of the subordinate Courts the supervision of careful appellate authority has many advantages.

Description of suits.

4. There has been little change in the proportions which the several descriptions of suits bear to the whole litigation. The suits relating to immoveable property appear to be increasing and are now 1,844, as compared with 1,248 in the year 1877. There seems also to be an increase in the suits for dissolution of marriage and for the enforcement of matrimonial rights. The suits of this class now amount to 1,068, as compared with 839 four years ago. The increase in litigation of this class is not regarded with satisfaction by the respectable classes of the people. Suits for "damages" come to 13 per cent., or about the same proportion as heretofore, on the whole litigation.

The suits relating to shipping are remarkably few; there were only two cases before the Recorder in his Admiralty jurisdiction; and one shipping case came before a District Court. The total number of suits on "account stated," on "written obligation," and on "unwritten obligation" was 12,594. It appears that the cultivating classes of Burma, though they spend their money freely, are not involved in debt after the manner of Indian ryots in some provinces. Yet the interest charged on agricultural loans ranges from 3 to 7 per cent. per mensem. The Settlement Officer of Hanthawaddy reports the result of his enquiries into the indebtedness of the cultivators thus:—"About 18 per cent. would appear to "be in debt; but these debts represent the necessary recurring expenditure for "keeping up large farms, and they are often paid off after a single harvest. The "Burmese cultivator of course has sometimes to resort to the money-lender, "but he is generally solvent in the cases of indebtedness met with."

Duration of suits.

5. Original suits have been promptly and regularly disposed of: only 889 cases were "pending" at the close of the year. The average duration of suits was:—

	Contested cases.	Uncontested cases.
Recorder's or High Court	62 days.	36 days.
Rangoon Small Cause Court	27 „	19 „
Sub-divisional and Township Courts	15 „	8 „
Small Cause Courts in districts	11 „	7 „
Chief Courts of districts	25 „	15 „

For the most part these periods of average duration are somewhat lower than the corresponding periods of the previous year; and the Judicial Commissioner pronounces the duration of cases in the lower Courts to be good. The Moulmein

Judge's Court appears to have been the only Court in which there were serious, though to some extent unavoidable, delays.

Results of suits :

6. The results of the trial of original civil suits may be abstracted thus :—

	Contested suits.			Uncontested suits.		
	Referred to arbitration.	Judgment for plaintiff in whole or in part.	Judgment for defendant.	Dismissed in default or *ex-parte*, and withdrawn.	Decreed on confession or *ex-parte*.	Compromised.
Recorder's or High Court...	0	69	27	16	62	18
Rangoon Small Cause Court	0	586	483	744	1,324	185
Sub-divisional and Township Courts	78	6,802	3,733	4,931	6,279	1,868
Small Cause Courts in districts	12	723	280	574	1,498	173
Chief Courts of districts ...	3	73	30	8	62	14
Total ...	88	8,253	4,559	6,273	9,225	2,258

42 per cent. of all the cases were contested, the proportion ranging from 50 per cent. in the Recorder's Court to 31 per cent. in the Small Cause Courts of the interior. In the Sub-divisional and Township Courts, where four-fifths of all the civil suits are decided, 44 per cent. were contested. These proportions are somewhat higher than last year. The percentage of contested cases in Burma is much higher than in other provinces. According to the Home Office statistics volume of 1880, only 27 per cent. of all the civil suits decided in the whole of India were contested. The large proportion of contested cases in Burma perhaps warrants the belief that both parties to a case have confidence in, and usually receive justice from, the Courts. The proportion of cases dismissed in default has increased somewhat. But enquiry regarding certain Courts where the proportion appeared excessive showed that such cases were settled amicably out of Court by the parties. The number of cases referred to arbitration was extremely small. The district reports are silent as to any efforts that may have been made to get parties to have recourse to arbitration. The fact apparently is that a great number of petty disputes are settled by village elders. Those cases which do not admit of such settlement come into Court; and then the parties, if they cannot come to a compromise, prefer to fight the matter out in Court. It does not appear that any awards, made by arbitrators out of Court, were filed by parties under section 525 of the Civil Procedure Code.

arbitration.

7. The total number of decrees passed during the year was 22,062, and in 7,424 cases applications for execution of decree were filed. The proportion between the number of decrees and applications for execution is about the same as in former years. But this proportion is very much smaller in Burma than in other provinces of the empire. For instance, in the Central Provinces there were 60,440 decrees passed by the Courts in the year 1880, and in 50,725, or 84 per cent., application was made for execution. In Burma application was made for execution in only 34 per cent. of the decrees. It has been ascertained from enquiry in many quarters that, when

Execution of decrees.

a decree is obtained, it is usually satisfied by payment out of Court, as the defendants are for the most part well off and able to pay. On the applications before the Courts during the year, 3,259 decrees were completely, and 1,481 decrees were partially, executed. These amounted to 44 per cent. and 20 per cent. respectively of the total, as compared with 39 and 23 per cent. in the previous year. For some years past the proportion of decrees successfully executed has increased steadily, so that the failure of the Courts to secure their right to judgment-creditors does not keep those parties from taking out execution. Processes issued for the imprisonment of 1,212 persons in execution of decree; but it is not stated how many people were actually committed to prison. The Tharrawaddy district report shows that, though 104 processes issued for the imprisonment of judgment-debtors, only one debtor was actually sent to prison. A return from the Jail Department shows that during the year 1880 as many as 420 male and 105 women debtors were admitted into the jails. The average number of debtors in prison at one time was 37 men and 81 women. It seems that there is a greater habit of committing debtors to jail in Burma than in other provinces. In the Bassein Jail, on the occasion of the Chief Commissioner's and Judicial Commissioner's visit, three members of a family,—father, mother, and son,—were in prison on the same decree. The Chief Commissioner has recommended that, in connection with the Insolvency Bill, the Legislature be moved to abolish imprisonment for debt in India in cases where the debtor is not guilty of fraud. If such abolition were decided upon, a period of grace would have to be given to creditors who have been relying on the security afforded by the imprisonment law. The number of cases in which immoveable property was sold in execution of decree was 500, as compared with 561 and 514 in the two previous years. The reports do not distinguish between landed and house property in these cases. But, so far as can be ascertained, ordinary holdings in the interior do not largely change hands in consequence of sales under decree of Court.

Appellate business.

8. The total number of appeals for decision was 2,201, as compared with 2,109 in the preceding year: 206 appeals lay in the Court of the Judicial Commissioner. Of these all but 11 were second appeals from the decisions passed by the lower appellate Courts. The total number of appeals preferred against original decrees was 1,876, or 15 per cent. of the total number of contested suits, as compared with 19 per cent. for the whole of India according to the Home Office statistics quoted above. The number of appeals and the proportion of appeals to contested cases has doubled during the last four years; but it would seem that the proportion of appeals is even now lower in Burma than in other parts of India. Second appeals were preferred in 174 cases, or against 9 per cent. of the orders passed by the lower appellate Courts. The result of appeals, as compared with the results of the previous year, were :—

	Appeals against original decrees.		Appeals against appellate decrees.	
	1879.	1880.	1879.	1880.
Decrees confirmed	1,162	1,110	127	99
Do. modified	167	204	5	5
Do. reversed	393	467	58	46
Do. remanded for re-decision ...	46	39	4	2

These figures show that the proportion of reversals and modifications was larger in 1880 than in 1879, and that the work of the Courts has stood the test of appeal less satisfactorily than in the previous year. This result cannot but be matter of regret; and it would show that freedom of appeal cannot, in the present state of the Burma Courts, be usefully curtailed. The duration of appeals in the chief Courts of districts was 21 days, as compared with 27 in the preceding year. In Bassein the duration was 74 days; but the district was for a part of the year short-handed, and the Deputy Commissioner's work fell into arrears. The only other Court in which appellate business was delayed was the Special Court. In this Court five appeals and two references were admitted, and seven appeals were pending from the previous year. Only four appeals were decided during the year, so that eight appeals and two references were pending at its close. At least one appeal must therefore have been pending for more than twelve months. Now that the appellate and other business coming before the Special Court will be largely reduced, it is hoped that the Court will be able to dispose promptly of the very few civil appeals that may come before it.

Insolvency.

9. The number of insolvency petitions filed before the Recorder's Court fell from 53 in the year 1879 to 26 in the year 1880. People are having recourse to the new insolvency provisions of the Civil Procedure Code in slowly increasing numbers. One hundred and sixty-eight insolvency petitions were filed in Courts outside Rangoon, as compared with 135 in the year 1879. The provisions of the law are made known to debtors by affixing translations of the insolvency sections in the debtor's ward of every jail. But as yet, save in the towns of Moulmein and Bassein, very little recourse is had to the Act. The disposal of insolvency petitions was as follows:—

	Number of applications of persons.			
	Pending at beginning of, or preferred during, the year.	Granted or adjudicated insolvent.	Rejected, dismissed, struck off, or withdrawn.	Pending at the close of the year.
Recorder's Court ...	43	21	6	16
Other Courts ...	168	89	74	5

Costs of litigation.

10. The figures and tables in the present reports do not furnish information regarding the costs of litigation, save only in respect of the fees for serving processes. After inspecting the work of a considerable number of Courts, it was the Chief Commissioner's impression, in which the late Judicial Commissioner to some extent agreed, that the costs of petty litigation were often swelled by excessive payments for commissions, by unduly heavy pleaders' fees, and by other reducible charges. Respecting some of these items, the late Judicial Commissioner issued orders, and respecting others little is needed but the due enforcement of existing rules. It is suggested for the Judicial Commissioner's consideration that arrangements might be made for noticing the costs of litigation in future reports. The returns of the process-serving fees show that, in the civil and criminal Courts outside Rangoon, the fees for issuing processes yielded Rs. 1,29,825, while the cost of the process-serving establishments came to Rs. 82,423. This charge must probably be increased by 12 per cent. on account of pensions and leave allowances. But even then a surplus will be left of about Rs. 38,000. It is not desirable that the

business of process-serving should be made a source of revenue; and the Judicial Commissioner will perhaps consider whether a reduction can properly be made in any of the fee rates, or whether any additional charges, such, for instance, as boat-hire for the conveyance of process-servers in the riverine districts, ought not to be sanctioned against the process fund. Meanwhile the surplus fees of the past year, *viz.*, Rs. 38,000, will be at the disposal of the Judicial Commissioner for expenditure for the benefit and convenience of suitors, either in providing suitable suitors' halls, or consulting-rooms outside the court-houses, or in such other way as the Judicial Commissioner may decide.

Inspection of Courts.

11. The Judicial Commissioner has, so far as opportunity permitted, visited and inspected the work of subordinate Courts; and the reports show that some of the Deputy Commissioners have exerted themselves to control and guide the Burman Judges in their districts. No civil justice reports appear to be furnished by divisional Commissioners, except the Commissioner of Arakan; and it is not clear how far the Commissioners discharge their responsibility for the working of the civil Courts in their divisions. It appears from the inspection memoranda recorded by the Judicial Commissioner that the practice, procedure, and appliances of the subordinate Courts require a great deal of supervision and control; and the discharge of these duties primarily devolves upon divisional Commissioners rather than on the Judicial Commissioner, who cannot be expected to visit every township in the province.

Arakan Hill Tracts.

12. The figures set forth in the foregoing paragraphs do not include the petty litigation in the Arakan Hill Tracts. Eighty-eight original suits and three appeals were instituted during the year. Fifteen cases in all were contested, besides 25 cases which were referred to the arbitration of the tribal chiefs. The decisions of these chiefs are reported to be popular, and also to be honestly and conscientiously given. No decree-holder had occasion to apply for execution of his decree. There seems no reason for modifiying the existing procedure of the civil Court in the Arakan Hills district.

13. In the review of the Criminal Justice Report the acknowledgments of the Chief Commissioner have been tendered to Messrs. Wilkinson, Crosthwaite, and Jardine for their service in the administration of justice during the year 1880 and for the full reports now submitted.

By order of the Chief Commissioner,

G. D. BURGESS,

Offg. Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1880.

PART I.

Courts exercising Jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1880 there were 5 appeals from the decision of the Judge of the Town of Moulmein, and 7 were pending at the close of the year 1879, making in all 12 appeals for disposal; of these, 4 were disposed of and 8 were pending at the close of the year 1880. In the previous year 7 appeals were filed and 9 disposed of.

2. The following is the comparative table showing results of the past two years :—

Year.	Number of appeals pending	Number of appeals instituted.	Total for disposal.	Result.				
				Rejected.	Confirmed.	Modified.	Reversed	Pending.
1879	9	7	16	1	5	..	3	7
1880	7	5	12	..	2	1	1	8

3. There were 2 references on points of law made to this Court during the year—one by the Recorder of Rangoon and the other by the Officiating Judicial Commissioner under section 76 of the Burma Courts Act (XVII of 1875)—both of which were pending at the close of the year.

4. The revenue of the Court during the year from Court-fee stamps amounted to Rs. 943-2-0 and the expenditure to Rs. 1,800. In the previous year the revenue was Rs. 1,538-12-0 and the expenditure Rs. 1,800.

5. The Judges of the Court throughout the year were Mr. C. J. Wilkinson and Mr. R. J. Crosthwaite, with the exception of the sitting to decide the case of "The Empress *v.* Vyapoory Moodeliar," when Mr. C. F. Egerton Allen, the Additional Recorder, acted as one of the Judges.

GENERAL REMARKS.

6. The delay in the disposal of civil appeals by the Special Court is a cause of dissatisfaction to the public. With every desire to sit together for the determination of these cases, the Judges have considerable difficulty in carrying out their arrangements. Both the Recorder and the Judicial Commissioner hold Courts of Session, and the trials sometimes last longer than was anticipated. Both have to make tours outside of Rangoon from time to time, the Recorder to visit the seaport towns of Akyab, Moulmein, and Bassein, and the Judicial Commissioner proceeding on inspection of Courts to all parts of British Burma: these different jurisdictions conflict with each other, and the usual difficulty that travelling Judges experience in adhering to places and dates is aggravated on their return by the accumulation of work accruing in their absence; this cause also diminishes the number of references from either Court to the Special Court. However advisable it may be to obtain the opinion of another Judge on a difficult point of law or fact, each is aware that unavoidable causes may produce adjournments, and thus the jurisdiction created by section 76 of the Burma Courts Act was only exercised in two cases in 1880; this amounts practically to the loss of a valuable safeguard of the proper administration of the law by the two highest Courts, and might occasion divergent decisions.

C. J. WILKINSON
JOHN JARDINE,
Judges of the Special Court, British Burma.

RANGOON:
The 11th April 1881.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Civil Justice in the Courts of the Recorder and Small Causes, Rangoon, for the year 1880.

DURING the year 1880 there were 195 regular suits filed (including 1 matrimonial and 2 admiralty), 26 insolvency, and 232 miscellaneous cases; making a total of 453 cases instituted, as against 228 regular (including 7 matrimonial and 1 admiralty), 53 insolvency, and 248 miscellaneous cases, or a total of 529 cases, in the previous year, being a decrease of 33 regular, 27 insolvency, and 16 miscellaneous cases. There were pending at the close of the year 1879, 22 regular, 1 admiralty, 16 insolvency, and 5 miscellaneous cases, making in all 497 cases for disposal, of which 192 regular, 1 matrimonial, 1 admiralty, 27 insolvency, and 233 miscellaneous cases were disposed of, as against 215 regular, 8 matrimonial, 50 insolvency, and 258 miscellaneous cases in the previous year. At the close of the year under review 22 regular, 2 admiralty, 15 insolvency, and 4 miscellaneous cases were pending.

2. The total value of suits instituted during the year was Rs. 4,89,905; and the amount of Court-fee stamps realized from regular suits, processes, probates, and letters-of-administration was Rs. 33,581; whilst the total value of suits disposed of was Rs. 4,31,594. In the previous year the value of suits instituted was Rs. 8,83,787, and the Court-fee stamps amounted to Rs. 48,103, the value of suits disposed of being Rs. 9,21,131.

3. The following table shows the above particulars in comparison with the year 1879 :—

YEAR.	NUMBER OF SUITS INSTITUTED.						NUMBER OF SUITS DISPOSED OF						NUMBER OF SUITS PENDING						Value of suits instituted.	Value of suits disposed of.
	Regular.	Matrimonial.	Admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial	Admiralty	Insolvency.	Miscellaneous	Total.	Regular	Matrimonial.	Admiralty	Insolvency.	Miscellaneous.	Total.		
																			Rs A. P.	Rs. A. P.
1879 .	220	7	1	53	248	529	215	8		50	258	531	22	..	1	16	5	44	8,83,787 0 0	9,21,131 0 0
1880 ..	192	1	2	26	232	453	192	1	1	27	233	454	22		2	15	4	43	4,89,905 11 7	4,31,594 1 4
Increase	...	..	1	..	...	..	..		1	.	..	...			1	.				
Decrease	28	6		27	16	76	23	7		23	25	77		.		1	1	1	3,93,881 4 5	4,89,536 14 8

Statement of Court fees realized.

YEAR.	Process fees.	Amount realized under Act VII of 1870, Schedule I, articles 1 to 9, inclusive.	Amount realized under the same schedule, Nos. 10 to 12.	Amount realized under Schedule II.	Total
	Rs. A. P.	Rs. A. P	Rs. A. P.	Rs. A. P.	Rs. A. P
1879	1,903 0 0	34,145 13 0	10,871 0 0	1,184 1 0	48,103 14 0
1880	1,764 0 0	20,445 13 0	10,395 0 0	976 4 0	33,581 1 0
Decrease ..	139 0 0	13,700 0 0	476 0 0	207 13 0	14,522 13 0

These statements show a decrease both in the number of cases instituted and their value, especially in the latter.

4. The average duration of regular cases during the year was 62 days for contested and 36 for uncontested; whereas in the previous year it was 70½ days and 37½ days respectively: this is a considerable reduction in comparison with the previous year when it is considered that the civil business was at a standstill for about two months on account of the Court being during that time occupied with the Commissariat cases. The longest time a case has been on the file at the close of the year was one year nine months and three days. This is the same case noticed in the fifth paragraph of last year's report. The commission to examine witnesses was only returned on the 3rd January of this year, and it is still pending.

5. The following table shows the description and number of miscellaneous cases filed during the year in comparison with the previous year:—

Description of miscellaneous cases.	Number.	
	1879.	1880.
Proceedings under the Land Acquisition Act (X of 1870)	8	1
Application for review of judgment. New trial..	..	1
Ditto to sue *in formâ pauperis*	15	15
Ditto for letters-of administration and probate	31	32
Ditto for removal of attachment	2	5
Ditto under the Minors Act (XL of 1858)..	1	1
Ditto under Act XXXV of 1858 (Lunatic Act)	..	1
Ditto by Advocates for license to practise..	5	5
Ditto for execution of decrees	91	113
Ditto under Act X of 1877, section 622	1	2
Ditto to transmit decrees of this Court with certificates to other Courts	13	9
Ditto to set aside *ex-parte* decrees	5	..
Decrees received by transfer	23	8
Processes forwarded by other Courts for service on defendants residing within jurisdiction ..	9	19
Other miscellaneous cases	44	20
Total ..	248	232

6. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Class.	Number of probates granted.	Number of letters-of-administration granted.	Value of estates.
			Rs.
Europeans and Eurasians	6	1	3,22,968
Burmese Christians	..	2	9,340
Buddhists .. .. Burmese	1	2	5,100
Buddhists .. .. Chinese	..	1	2,500
Mahomedans	2	13	1,39,535
Total ..	9	19	4,79,443

In the previous year there were 8 probates and 18 letters-of-administration granted and the aggregate value of the estates was Rs. 7,23,283.

7. During the year there were 2 appeals preferred from decrees of this Court to the High Court at Fort William in Bengal, the results of which were not known at the close of the year. The one preferred in the previous year was also still pending.

8. Appeals to the High Court take a long time before they are decided, the work there being very heavy and the arrears considerable. I have found that appeals to the Privy Council from this Court are disposed of in about eight months, whilst they are seldom disposed of by the High Court within a year. If appeals could be heard by any Appellate Court in the province, they would be much more rapidly disposed of, and with much more satisfaction to suitors, who complain of the delay and the heavy costs of appealing to Calcutta, and also that they cannot, without considerable extra expense, properly instruct agents there. If there was a Court established in Rangoon, parties would more frequently avail themselves of their right of appeal, and the above causes, I am of opinion, render it almost prohibitive to appeal.

Vice-admiralty jurisdiction.

9. There were 2 suits filed under this jurisdiction during the year, the value of which was Rs. 15,464 : one was disposed of, and the other was pending at the close of the year. In the previous year there was one case of the value of Rs. 9,000, which was also pending at the close of the year under review, the delay in disposing of the case having arisen from the difficulty of realizing an adequate price for the vessel at Tavoy, where she had to be sold, the salvors (the British India Steam Navigation Company) having left her there, and the evidence on behalf of the salvors having had to be taken at distant intervals on account of their witnesses being employed in their different steamers.

Insolvency jurisdiction.

10. There were 26 petitions presented during the year for the benefit of the Insolvent Act in Rangoon, Moulmein, and Akyab, 21 were by persons who applied for personal discharge, 3 for final discharge, and 3 were by creditors to have their debtors adjudicated insolvents. In the previous year there were 52 petitions presented by 56 persons.

11. The following table shows the particulars of the insolvency cases :—

Town.	Number of persons whose applications were pending at the close of 1879.	Number of petitions filed during 1880.	Number of persons.	Total number of persons.	Result.							
					Personal discharge granted.	Final discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn with leave.	Struck off in default.	Pending.
Rangoon	4	15	16	20	7	2	1	..	1	..	1	8
Moulmein	2	5	5	7	3	..	..	1	..	..	1	2
Akyab	10	6	6	16	8	..	..	2	..	..	..	6
Total ..	16	26	27	43	18	2	1	3	1	..	2	16

In the previous year there were 52 petitions presented by 56 persons. During the year the Recorder visited Moulmein three times and Akyab once, and the Additional Recorder once, to dispose of insolvency cases in those towns.

12. The total revenue of the Court during the year was Rs. 33,685 and the expenditure was Rs. 52,177. The following statement gives in detail the receipts and expenditure :—

Receipts.	Rs. A. P.	Expenditure.	Rs A. P.
Amount realized by Court-fee stamps	33,581 1 0	Recorder's salary	30,000 0 0
Amount realized by fines ..	100 0 0	Additional Recorder's salary from 10th August to 13th November 1880 ..	6,342 4 5
By sale of empty stationery cases and unserviceable furniture ..	3 11 0	Establishment	12,241 13 0
		Process-serving establishment, being one-third of bailiff's salary, one-third of head peon's salary, and two peons, the remainder being charged to the Small Cause Court ..	1,168 0 0
		Contingencies	714 0 0
		Travelling allowances	1,258 13 8
		Expenses of witnesses in criminal cases ..	277 0 0
		Subsistence to jurors	175 0 0
Total ..	33,684 12 0	Total ..	52,176 15 1

Note.—The salary of the Chinese interpreter is excluded from the expenditure, as he is chiefly engaged in the Magistrate's Court.

In the previous year the revenue was Rs. 48,409 and the expenditure Rs. 45,079. The increase of expenditure during the year under review was chiefly due to the salary of the Additional Recorder being entirely debited to the Court.

COURT OF SMALL CAUSES, RANGOON.

13. During the year there were instituted in both Courts 5,737 regular and miscellaneous cases as against 7,342 in the previous year, being a decrease of 1,505. In the First Judge's Court there were 3,085 regular and 2,057 miscellaneous suits filed as against 2,790 regular and 1,993 in the previous year. In the Second Judge's Court in the first three months of the year there were 347 regular and 248 miscellaneous suits filed: this Court was closed at the end of March in consequence of the retirement of the Judge on pension, hence no comparison can be made with the previous year.

14. The total value of regular suits instituted in the First Judge's Court was Rs. 2,74,248 as against Rs. 2,89,220 in the previous year, being a decrease of Rs. 14,972, notwithstanding there were 295 regular suits more than the previous year. The value of the regular suits instituted in the Second Judge's Court was Rs. 24,354. The total value in both Courts was Rs. 2,98,603.

15. The subjoined table shows the above particulars as compared with the previous year:—

Year.	First Judge's Court.				Second Judge's Court.				Both Courts.			
	Number of suits instituted.			Value of suits instituted.	Number of suits instituted.			Value of suits instituted.	Number of suits instituted.			Value of suits instituted.
	Regular.	Miscellaneous.	Total.		Regular.	Miscellaneous.	Total.		Regular.	Miscellaneous.	Total.	
				Rs.				Rs.				Rs.
1879 ..	2,791	1,993	4,784	2,89,220	1,574	985	2,559	1,10,114	4,365	2,978	7,343	3,99,334
1880 ..	3,085	2,057	5,142	2,74,248	347	248	595	24,355	3,432	2,305	5,737	2,98,603
Increase .	294	64	358	...	...	...	...	...	...	...	...	...
Decrease ..	...	...	...	14,972	1,227	737	1,964	85,759	933	673	1,606	1,00,731

16. The average value of each regular suit in the Court of the First Judge fell from Rs. 104 in 1879 to Rs. 89 in 1880.

17. In the First Judge's Court 2,963 regular suits and 2,056 miscellaneous suits were disposed of as against 2,822 regular and 2,003 miscellaneous in the previous year. The Second Judge's Court disposed of 384 regular and 248 miscellaneous suits. Those not disposed of by Moung One at the end of March were disposed of by the First Judge. One thousand and sixty-nine regular suits were decided after contest, being a decrease of 296. There were pending at the close of the year 218 regular and 63 miscellaneous suits.

18. The average duration of regular suits in the First Judge's Court was 27¼ for contested cases and 19¾ for uncontested cases as against 30¾ and 21 days respectively in the previous year.

19. The following statements show the particulars of the miscellaneous suits other than applications for execution of decree :—

(*a*) *In the First Judge's Court.*

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Withdrawn.	Struck off.	Pending at the close of the year.
Reference to High Court	..	..	..	..	..	..	..	..	..	..
For removal of attachment..	1	30	31	9	19	..	..	..	..	3
To sue in *formâ pauperis*	1	10	11	4	7	..	..	..	..	..
For new trial	1	19	20	3	17	..	..	..	..	..
To set aside *ex-parte* decree	..	12	12	7	5	..	..	..	..	..
For review of judgment	..	8	8	3	5	..	..	..	..	..
To transfer cases from Second Judge's Court to this Court	..	11	11	7	4	..	..	..	..	..
Application for certificate of non-satisfaction, with copy of decree for execution in other Courts ..	..	52	52	50	2	..	..	..	..	..
Commission from other Courts to examine witnesses	..	20	20	..	..	11	9	..	..	..
Processes from other Courts forwarded to this Court for service	8	415	423	..	..	158	262	..	..	3
Applications under Chapter XX of the Code of Civil Procedure	..	16	16	4	5	..	..	1	6	..
To furnish security before judgment	..	77	77	38	39	..	..	..	..	..
Other cases	14	299	313	179	111	..	..	..	..	23
Total ..	25	969	994	304	214	169	271	1	6	29

(*b*) *In the Second Judge's Court.*

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Pending at the close of the year.
Reference to High Court	..	..	..	..	..	..	..	..
For removal of attachment	1	8	9	4	5	..	..	..
To sue in *formâ pauperis*	..	..	..	..	..	..	..	..
For new trial	..	7	7	4	3	..	..	..
To set aside *ex-parte* decree	1	7	8	4	4	..	..	..
For review of judgment..	..	1	1	..	1	..	..	..
To transfer cases from Second Judge's Court to First Judge's Court	..	..	..	..	..	..	..	..
Application for certificate of non-satisfaction, with copy of decrees for execution forwarded to other Courts ..	..	22	22	16	6	..	..	..
Commission from other Courts forwarded to this Court for examination of witnesses	..	5	5	..	..	2	3	..
Processes from other Courts forwarded to this Court for service	..	23	23	..	..	15	8	..
To furnish security before judgment	..	42	42	29	13	..	..	..
Other cases	..	22	22	12	10	..	..	..
Total ..	2	137	139	69	42	17	11	..

PART II.

Courts under the supervision of the Judicial Commissioner.

From JOHN JARDINE, Esquire, Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 484-1, dated the 22nd April 1881.

I HAVE the honour to forward the annual report on the administration of civil justice in British Burma (exclusive of the town of Rangoon) for the year 1880, together with the statistical returns in the revised and the older forms.

2. Mr. R. J. Crosthwaite acted as Judicial Commissioner for the whole year under review.

3. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year:—

Division.	District.	Instituted.		Disposed of.		Pending at close of year			
						Above four months.		*Total pending.*	
		1879.	1880.	1879.	1880.	1879.	1880.	1879.	1880.
ARAKAN.	Akyab	1,559	1,239	1,535	1,238	..	..	38	39
	Do. Small Cause Court	615	433	615	426	1	..	2	9
	Kyoukpyoo	672	603	672	610	..	..	9	2
	Sandoway	321	237	324	236	..	..	..	1
	Commissioner of Arakan	1	..	1	..	..	..	..	..
PEGU.	Hanthawaddy	2,126	2,764	2,136	2,751	..	..	24	37
	Thonegwa	2,973	2,749	2,956	2,739	1	..	51	61
	Bassein	4,256	3,746	4,167	3,845	..	2	167	68
	Do Small Cause Court	280	311	282	309	..	..	1	8
	Henzada	2,875	2,452	2,865	2,436	..	..	25	41
	Tharrawaddy	2,093	2,103	2,111	2,104	..	1	29	28
	Prome	2,319	2,101	2,307	2,101	..	..	31	31
	Thayetmyo	1,129	867	1,128	860	1	..	18	25
	Ditto Small Cause Court Assistant Judge	128	72	128	64	..	..	..	8
	Ditto Small Cause Court Judge	14	4	13	5	..	..	1	..
	Judicial Commissioner, British Burma	1	..	1	..	..	..	..	..
TENASSERIM	Amherst	1,484	1,579	1,468	1,547	..	..	16	48
	Shwaygyin	1,305	1,256	1,280	1,264	1	..	47	39
	Toungoo	1,120	1,072	1,131	1,080	..	..	10	2
	Tavoy	574	554	576	544	..	..	..	10
	Mergui	508	556	514	553	..	..	3	6
	Salween	41	41*	40	40	..	..	1	2
	Moulmein Judge's Court	125	134	123	130	2	9	16	20
	Ditto Small Cause Side	2,803	2,569	2,871	2,488	..	4	71	152
	Total	29,322	27,442	29,244	27,370	6	16	560	632
	Increase	..	..	..	..	..	10	..	72
	Decrease	..	1,880	..	1,874	..	..	..	..

* One political suit not included above.

Increase and decrease in the different districts during the year :—

District.	Increase.		Decrease.	
	Instituted.	Disposed of.	Instituted.	Disposed of.
Akyab	..	..	502	486
Kyoukpyoo	..	..	69	62
Sandoway	..	..	84	88
Arakan	..	..	1	1
Hanthawaddy	638	615	..	..
Thonegwa	..	..	224	217
Bassein	..	..	479	295
Henzada	..	..	423	429
Tharrawaddy	10	..	..	7
Prome	..	..	218	206
Thayetmyo	..	..	328	340
Amherst	95	79	..	..
Shwaygyin	..	..	49	16
Toungoo	..	..	48	51
Tavoy	..	..	20	32
Mergui	48	39	..	..
Salween	..	..	..	..
Moulmein	..	..	225	376
Judicial Commissioner, British Burma	..	..	1	1

The great decrease in Akyab is accounted for in two ways. There was an increase of 131 suits in 1879, attributed to the fire which consumed the town and caused a resort to the Courts. In 1880 the rice-crop was the largest on record in the history of Arakan, and, as advantageous prices were obtained, the cultivators were well off. The great falling-off in the Small Cause Court is attributed to the Judge being ignorant of every language but Burmese, and thus given wholly to ignore the rulings of the superior Courts and incapable of understanding English accounts. The Commissioner of Arakan, however, contradicts this statement. In the trading town of Moulmein there was a large decrease in the Small Cause Court. The Judge remarks, however, that the figures have now fallen to the average of the years before 1878. Since 1877 suits against defendants outside the jurisdiction have been tried in the Small Cause side. And the chetties are availing themselves of section 285 of the Procedure Code, the claims so presented amounting to Rs. 42,000. "Indeed," says the Judge, "it has "been asserted at the Bar that the practice is now being systematically pursued by "the chetties, the creditor having the smallest claim suing and the other creditors "coming in under section 285." The applications are unopposed, both creditors and debtors finding this remedy cheaper and speedier than a regular suit.

In Thonegwa the decrease leaves the number higher than in 1878. In Bassein the decrease of 479 is remarkable only because 304 are accounted for in the Theegwin Court alone, where the suits last year were more numerous than in 1877. There have been no general causes operating in Henzada to explain the large decrease there of 15 per cent. of institutions. In Prome the greatest part of the decrease was in the Extra Assistant Commissioner's Court at Prome. It is supposed to result from loss of money in the Mandalay lotteries, dull trade, and the illness of the Judge. The Deputy Commissioner of Thayetmyo conjectures that the decrease in his district may be caused by the merchants restricting their business to cash transactions owing to the unsettled relations with the Burmese Government and the absence of a Resident. The Deputy Commissioner of Hanthawaddy is unable to assign any particular or sufficient reason for the large increase in his district.

The pending file shows an increase of 72. The census operations are mentioned as causing delays in different districts, but only 16 out of 27,442 were pending over four months; of these 16. Thirteen were in the Moulmein Court. The Judge has fully explained the delays, which arose from a change of Judge and from the issue of summonses and commissions to India, the Straits Settlements, and other distant places.

4. The next table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	District.	Number of suits													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Arakan.	Akyab	339	115	7	61	65	185	27	158	100	99	3	39	41	1,239
	Do. Small Cause Court	138	120	...	...	54	53		60	8	...	...	...	...	433
	Kyoukpyoo	53	73	.	49	90	22	23	61	57	86	...	36	62	612*
	Sandoway	51	25	2	32	12	8	..	33	25	30	...	12	7	237
	Commissioner of Arakan	...	...	...	...	...	..		...	...	...	...	..	..	..
Pegu.	Hanthawaddy ...	587	923	13	7	561	186	5	124	164	90	1	94	33	2,788†
	Thonegwa	433	439	25	105	363	310	9	290	518	142	4	86	23	2,749
	Bassein ...	417	561	21	275	492	284	8	539	808	152	...	157	32	3,746
	Do. Small Cause Court	41	98	...	...	109	63	..	...	...	...	...	...	...	311
	Henzada	189	249	10	100	209	165	2	340	773	213	2	124	76	2,452
	Tharrawaddy	114	276	7	178	162	51	2	278	727	212	...	87	14	2,103
	Prome	197	274	22	37	277	247	27	163	340	287	53	144	33	2,101
	Thayetmyo	87	103	10	30	86	143	12	109	184	45	.	44	14	867
	Ditto Small Cause Court Assistant Judge	29	18	...	.	25	...	...	...	1	..	..	...	...	72
	Thayetmyo Small Cause Court Judge ...	4	...	...	...	...	...	...	..	...	...	...	...	...	4
	Judicial Commissioner, British Burma ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Tenasserim.	Amherst	389	347	38	107	197	60	5	197	102	75	1	33	28	1,579
	Shwaygyin	227	342	64	110	239	53	3	16	67	71	...	53	11	1,256
	Toungoo	176	131	132	56	170	3	57	130	33	79	1	72	32	1,072
	Tavoy	99	59	6	8	89	31	4	134	25	69	1	25	4	554
	Mergui	246	52	4	18	113	46	1	8	29	14	...	26	4	556
	Salween	4	10	...	2	3	12	3	1	4	...	...	2	..	41
	Moulmein Judge's Court	85	.	2	1	1	.	.	2	...	6	4	7	26	134
	Ditto Small Cause Side	1,450	149	33	83	356	353	27	82	36	...	...	...	..	2,569
	Total ...	5,354	4,364	396	1,249	3,673	2,275	215	2,725	4,001	1,670	70	1,043	440	27,475
	In 1879 ...	5,958	4,487	431	1,417	3,865	2,398	264	3,212	4,269	1,634	84	972	340	29,331
	Increase ...	...	...	...	...	...	...	...	...	...	36	...	71	100	
	Decrease ...	604	123	35	168	192	123	49	487	268	...	14	...	...	1,856

* Twenty-four suits, shown as pending from last year in Hanthawaddy, are included in this table.
† Nine suits, shown as pending from last year in Kyoukpyoo, are included in this table.

There was a decrease of 604 suits on written obligations, chiefly in Prome, Thayetmyo, and Moulmein. The number of suits for goods sold have varied in Hanthawaddy, Henzada, and Prome. There has also been a considerable decrease under the head of moveable property; and in suits for damages the decrease leaves the number a little larger than in 1878. The fluctuations in suits for rent are inconsiderable, but in 1877 there were 409.

There were 1,670 suits for immoveable property, the increase being 36. The numbers since 1875 have been as follows :—

1875	...	... 1,256	1878	...	... 1,804
1876	...	... 1,045	1879	...	... 1,634
1877	...	... 1,219	1880	...	... 1,670

The decrease in Akyab is attributed to good times; and in Hanthawaddy, where there were 78 fewer such suits, to people having learned the result of rash claims set up in 1878. In Henzada the increase is put down to Mr. Crosthwaite's ruling that the burden of proving sale instead of mortgage rested on the vendee. In Prome it is mentioned that although much of the immoveable property in that town is in the hands of chetties, only one instance has come to the Deputy Commissioner's knowledge of a cultivator in the district mortgaging his land to a chetty. No reasons are offered for the increases in Toungoo and Shwaygyin;

while the decrease in Tavoy is reported as due to the people having found out that Courts of appeal dismiss untenable claims.

There was an increase of 71 in matrimonial cases, of which 44 are due to Hanthawaddy and 36 to Prome. The Deputy Commissioner of Prome believes an increase of such suits to be an indication of bad times.

5. The value of original suits was as follows:—

Division.	District.	Number of suits disposed of valued at not exceeding								Above Rs 1,00,000.	Total value of suits.		
		Rs. 5.	Rs. 20.	Rs. 100.	Rs 500.	Rs. 1,000	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.		Rs.	A.	P.
Arakan.	Akyab	65	205	528	329	58	34	3	..	..	2,09,792	5	10
	Do. Small Cause Court ..	89	139	248	..	..	..	..	..	..	14,992	1	1
	Kyoukpyoo	88	183	280	58	1	..	..	..	..	26,865	8	1
	Sandoway	48	72	98	18	..	..	..	..	..	8,727	15	5
	Commissioner of Arakan ..	..	..	..	..	..	..	..	..	..	..		
Pegu.	Hanthawaddy	75	429	1,613	549	66	19	..	..	..	3,07,681	9	9
	Thonegwa	122	481	1,416	588	20	8	..	..	..	2,33,823	8	7
	Bassein	302	770	2,032	685	41	15	..	..	..	3,16,631	2	0
	Do. Small Cause Court ..	104	205	..	..	..	..	..	..	..	2,899	3	7
	Henzada	155	537	1,308	421	14	1	..	..	..	1,48,966	14	5
	Tharrawaddy	183	488	1,192	283	6	2	..	..	..	1,01,618	11	9
	Prome	250	577	1,055	209	6	4	..	..	..	1,14,374	1	9
	Thayetmyo	86	233	398	82	8	3	..	..	..	50,479	15	8
	Ditto Small Cause Court Assistant Judge ..	7	30	27	..	..	..	..	..	..	1,373	3	4
	Thayetmyo Small Cause Court, Judge	..	..	4	1	..	..	..	..	..	373	12	0
	Judicial Commissioner, British Burma	..	..	..	..	..	..	..	..	..	..		
Tenasserim.	Amherst	70	341	812	278	26	11	..	1	..	1,55,421	10	11
	Shwaygyin	122	328	515	247	9	3	..	..	..	93,065	7	5
	Toungoo	140	292	411	133	8	7	..	..	..	68,355	13	2
	Tavoy	42	153	263	76	6	2	1	1	..	57,673	1	2
	Mergui	28	149	299	72	2	..	..	..	..	28,488	6	2
	Salween	2	5	18	15	..	..	..	..	..	6,148	0	4
	Moulmein Judge's Court ..	..	..	3	17	16	72	7	7	..	3,62,915	9	0
	Ditto Small Cause Side ..	81	630	1,129	562	86	..	..	..	..	2,44,257	8	0
	Total ..	1,959	6,247	13,649	4,623	373	181	11	9	..	25,54,020	9	5
	In 1879 ..	2,226	6,750	14,526	4,843	417	251	11	10	..	28,77,440	0	3
	Decrease ..	267	503	877	220	44	70	..	1	..	3,22,519	6	10

The total value in 1880 decreased by Rs. 3,22,519, which leaves the amount higher by Rs. 37,879 than 1878. The present fluctuation is unimportant compared with those of earlier years. The total value was in—

	Rs.
1876	19,05,546
1877	22,09,070
1878	25,17,041
1879	28,77,440
1880	25,54,920

In the year of report there was a decrease in Akyab of over two lakhs at headquarters alone, of which Rs. 1,11,000 was in the Deputy Commissioner's Court. In the year before a suit valued at Rs. 86,000 had been filed there, swelling that year's figures. The decreases in Henzada, Thayetmyo, and Amherst have been already mentioned; and in Toungoo the greater caution shown by money-lending chetties and the increased use of the insolvency law are mentioned as reducing litigation. The great increase at Moulmein was caused by suits of large amount being filed.

The number of suits not exceeding Rs. 100 of all values amounted to 21,855, being 80 per cent. of the total litigation. In 1879 the percentage was 81.

6. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	District.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
											Judgment for plaintiff in whole or in part.	Judgment for defendant.			
Arakan.	Akyab	1,277	...	7	196	32	197	152	182	6	316	149	1,238	39	1
	Do. Small Cause Court	435	..	1	143	4	16	26	100	...	105	31	426	9	..
	Kyoukpyoo	612	.	43	...	...	91	58	59	31	210	118	610	2	.
	Sandoway	237	1	1	21	4	43	38	10	3	79	36	236	1	...
	Commissioner of Arakan ...	..	...	..	...	...	...	...	...	...	...	...	...	...	...
Pegu.	Hanthawaddy	2,788	1	...	666	25	208	395	621	4	589	225	2,751	37	17
	Thonegwa	2,800	...	19	699	11	230	195	553	21	663	306	2,739	61	12
	Bassein	3,913	3	...	788	18	325	224	749	15	1,073	633	3,845	68	17
	Do. Small Cause Court .	312	..	...	73	...	..	52	95	...	63	26	309	3	...
	Henzada .	2,477	..	..	455	96	160	216	212	10	821	491	2,436	41	5
	Tharrawaddy	2,132	34	1	383	45	196	200	174	18	661	361	2,104	28	2
	Prome	2,132	12	4	455	10	95	180	232	1	639	472	2,101	31	1
	Thayetmyo .	885	1	5	182	11	101	87	70	...	255	144	860	25	4
	Ditto Small Cause Court, Assistant Judge .	72	...	..	8	1	...	25	19	...	5	6	64	8	...
	Thayetmyo Small Cause Court, Judge ...	5	...	...	2	...	1	...	...	...	2	...	5	...	...
	Judicial Commissioner, British Burma	...	...	...	..	...	...	...	...	...	...	...	...	...	..
Tenasserim.	Amherst	1,595	10	1	218	39	60	223	274	35	446	228	1,547	48	11
	Shwaykyin	1,303	7	42	182	10	104	230	150	11	362	165	1,264	39	1
	Toungoo	1,082	4	...	151	12	51	198	120	3	344	197	1,080	2	...
	Tavoy	554	..	...	60	7	6	99	27	...	233	112	544	10	...
	Mergui	539	3	..	44	4	3	145	109	...	128	57	553	6	...
	Salween	42	...	.	4	6	3	9	.	1	11	4	40	2	2
	Moulmein Judge's Court ..	150	3	.	1	2	9	17	34	3	43	15	130	20	3
	Ditto Small Cause Side.	2,640	3	22	321	18	156	192	989	4	548	223	2,488	152	12
	Total ...	28,002	82	146	4,992	855	2,055	3,000	4,839	166	7,598	4,049	27,370	632	88
	In 1879 ...	29,804	108	101	4,974	493	2,417	3,682	5,061	79	8,035	4,242	29,244	560	83

Of the 27,370 suits disposed of the percentage contested was 42·5, the 4,839 decreed *ex-parte* are 17·68 of the total disposed of, while another 18 per cent. were dismissed for default. Eighty-eight suits were referred to arbitration. These proportions are much the same as in 1879.

The percentage dismissed for default is somewhat larger. In the Angyee Myooke's Court, out of 638 cases disposed of, 103, or 16·1 per cent., were contested, 214, or 33·5 per cent., were dismissed by default, 31, or 4·9 per cent., were compromised, 127, or 19·9 per cent., were decreed on confession, 158, or 24·8 per cent., were *ex-parte*, all but one decreed so.

The Myooke has satisfied the Deputy Commissioner, Major Plant, that in the 214 cases of default the defendant settled with plaintiff as soon as he got the summons ; in the 31 compromises the defendant appeared and pleaded inability to pay, on which they settled amicably ; in the 127 confessions the confession was made in Court ; and in the other 157 cases the defendant, having no good defence, did not care to go to the Court, although the summons was duly served.

In the Syriam Court, out of 769 cases, 208, or 27 per cent. were contested, 98, or 25·7 per cent. were dismissed by default, 261, or 33·9, were decreed *ex-parte*.

The Extra Assistant Commissioner of this Court gave the same explanations, but added that " in the majority of cases dismissed by default both parties did not " enter appearance, and that in many *ex-parte* cases he had adjourned the case, " thinking that the defendant, who had been duly summoned, might have been " detained on the road." " The real reason for not coming to Court," he adds, " is " they have no defence to the action."

Major Plant tested the Angyee explanation by inspection of the records. He writes as follows :—" These explanations have been submitted by two different " officers, who are experienced and intelligent, possessing fair ability. I have " no reason to distrust the explanation, and when the lazy apathetic nature of the " Burman is considered, I am not surprised at the short appearance of the parties " in each case. Again, in their dealings with each other they are straightforward,

"and when they really owe money they will not contest a suit brought against "them for that money, while, on the other hand, they will keenly resist any "attempt to defraud them."

This is an opinion based on investigation by an official of great experience, and I think it is Sir Sumner Mayne who, in one of his books, refers to the feeling of some of the Indians, who think the service of a summons a sort of credential of debt owed by them. On the other hand, I must point out that in the Hlaing Court 91 out of 241 suits, or 38 per cent., were contested; in the Myoungmya Court 203 out of 536, or 37·9 per cent.; in the Thayetchoung Court 83 out of 95; in the Tavoy town Court 129 out of 232.

7. The average duration of suits in Courts of original jurisdiction was as follows:—

Division.	District.	Average duration of suits			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	46 2	9·3	22·8	29·8
	Do. Small Cause Court	7·	7·	6·	7·
	Kyoukpyoo	11·1	2·	11·	10·6
	Sandoway	27·83	12·38	16·42	9·03
	Commissioner of Arakan	33·	..	..	..
Pegu.	Hanthawaddy	30·6	7·6	22·	8·
	Thonegwa	18·	9·	18 62	12·12
	Bassein	22·	10·	17·47	13·90
	Do. Small Cause Court	4·	5·	5·	4
	Henzada	11·	14·	13·	8·
	Tharrawaddy	18·18	9 20	18·70	9·60
	Prome	14·7	8·12	13·	8·
	Thayetmyo	15 2	9·8	15·58	11·11
	Ditto Small Cause Court Assistant Judge ..	14·	12·	17·4	12·6
	Ditto ditto Judge	7·	9·	4·	..
	Judicial Commissioner, British Burma	50·	..	..	..
Tenasserim.	Amherst	18·	10·	19·	11·
	Shwaygyin	22·	9·2	15·17	11·9
	Toungoo	20·	2·5	22·	2 5
	Tavoy	13·	6·	29·	4·
	Mergui	9·	2	12·	6·7
	Salween	13·	4·	2·	1·
	Moulmein Judge's Court	51·	25·	51·	25·
	Ditto Small Cause Side	16·	15·	16·	14·
	Total ..	20·	9	17·	10

The average duration in contested cases has thus decreased 3 days and in uncontested increased one day. In the Salween district the general average was for contested suits 2 days and for uncontested one day. In the Assistant Commissioner's Court at Hmawbee the uncontested had an average of one day; and in the Thayetchoung Myooke's Court the average was only 2 days. On this important subject I would refer to the 21st paragraph of my report on the year 1877. In 1880 the arrangements for the census is one cause of prolonged duration generally operating; in particular Courts delay was caused by an embankment bursting or the Judge being transferred.

8. The next table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year	Decrees completely executed.	Decrees partially executed	Pending at close of year.
Arakan.	Akyab	484	192	59	20
	Do Small Cause Court	122	25	4	..
	Kyoukpyoo	116	78	39	1
	Sandoway	47	28	8	..
	Commissioner of Arakan	..	..	..	..
Pegu.	Hanthawaddy	653	335	106	38
	Thonegwa	392	155	70	18
	Bassein	835	236	120	37
	Do Small Cause Court	43	16	3	2
	Henzada	309	145	98	9
	Tharrawaddy	209	119	69	11
	Prome	371	230	85	22
	Thayetmyo	110	55	33	4
	Ditto Small Cause Court, Assistant Judge ..	16	16	..	..
	Ditto ditto, Judge	..	..	..	..
	Judicial Commissioner, British Burma	..	..	..	..
Tenasserim.	Amherst	583	378	87	24
	Shwaygyin	410	188	185	11
	Toungoo	287	113	66	12
	Tavoy	131	84	13	3
	Mergui	60	36	22	2
	Salween	12	5	2	..
	Moulmein Judge's Court	182	20	56	15
	Ditto Small Cause Court Side	1,216	180	269	89
	Total ..	6,588	2,624	1,339	318
	In 1879 ..	7,141	2,762	1,915	295

The decrees completely executed are 39·8 per cent. of the applications, and those partially executed 20·32. The number of decrees passed in 1880 was 19,486 in original suits, the number of applications for execution was only 6,588. In 1877 the numbers were 19,202 and 6,235 respectively.

9. Processes of execution were issued as follows :—

Division	Name of district.	Mode of execution.						Order under section 243, Civil Procedure Code
		Delivery of possession	Processes for imprisonment issued.	*Moveable property*		*Immoveable property*		
				Attached	Sold.	Attached.	Sold.	
Arakan	Akyab	17	15	145	52	77	26	..
	Do Small Cause Court	..	7	25	4	..	..	..
	Kyoukpyoo	3	48	68	29	30	18	..
	Sandoway	4	19	19	3	9	5	..
	Commissioner of Arakan	..	..	..	..	..	..	..
Pegu	Hanthawaddy	11	139	289	71	255	74	..
	Thonegwa	5	23	180	51	122	42	..
	Bassein	6	466	289	78	123	52	..
	Do. Small Cause Court	..	38	12	2	1	..	..
	Henzada	13	41	138	58	64	29	..
	Tharrawaddy	7	104	77	32	56	16	1
	Prome	7	19	99	62	136	76	..
	Thayetmyo Small Cause Court, Assistant Judge ..	..	..	1	..	..	..	..
	Ditto ditto, Judge ..	..	..	..	..	..	..	..
	Ditto	..	21	37	10	26	13	..
Tenasserim	Amherst	17	24	198	50	119	42	..
	Shwaygyin	8	5	135	28	75	13	..
	Toungoo	7	17	147	24	55	17	..
	Tavoy	11	9	31	7	43	3	..
	Mergui	..	12	5	3	11	4	..
	Salween	1	4	3	..	.	..	..
	Moulmein Judge's Court	2	5	20	17	95	57	..
	Ditto Small Cause Side	..	66	117	76	..	..	.
	Total ..	114	1,082	2 030	657	1,297	482	1
	In 1879 ..	118	816	2,369	718	1,327	531	1

The number of processes of imprisonment is 1,082 as against 816 in the year before. In Bassein 504 such were issued as against 106 in 1879. The Deputy Commissioner states that 42 persons actually went to prison in 1880.

The decrease of sales of immoveable property is most notable in Prome, being from 102 to 62.

10. The subjoined table shows the number of persons who applied to be declared insolvents:—

Division.	Name of district.	Number of persons applied to be declared insolvents.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	8	7	1	8	..	
	Kyoukpyoo	2	..	..	2	..	Two withdrawn.
	Sandoway	..	..	..	..	..	
Pegu.	Hanthawaddy	9	6	3	9	..	
	Thonegwa	7	3	4	7	..	
	Bassein	39*	20	12	32	..	One withdrawn; 6 struck off the file.
	Henzada	5	3	2	5	..	
	Tharrawaddy	7	5	2	7	..	
	Prome	7*	3	3	6	1	
	Thayetmyo	5	5	..	5	..	
Tenasserim.	Amherst	4	..	2	4	..	Two withdrawn.
	Shwaygyin	6	3	3	6	..	
	Toungoo	12	9	3	12	..	
	Tavoy	7	6	1	7	..	
	Mergui	5	3	..	3	2	
	Salween	..	..	..	..	..	
	Moulmein	45	16	27	43	2	
	Total	168	89	63	163	5	Five withdrawn; and 6 struck off the file.

There were 168 insolvency applications, of which 89 were granted and 63 dismissed. In 1879 there were 135 of such applications.

11. The subjoined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts and the number in which the decrees appealed against were upheld:—

Division.	Name of district.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	87	34	9	26
	Kyoukpyoo	81	50	4	20
	Sandoway	14	7	2	5
Pegu.	Hanthawaddy	116	66	5	37
	Thonegwa	152	98	15	30
	Bassein	285	157	25	61
	Henzada	226	119	26	61
	Tharrawaddy	176	107	10	53
	Prome	210	119	27	48
	Thayetmyo	67	29	17	13
Tenasserim.	Amherst	111	73	8	27
	Shwaygyin	108	62	12	21
	Toungoo	110	62	22	23
	Tavoy	110	70	9	21
	Mergui	66	34	10	22
	Salween	2	2	..	..
	Total	1,921	1,089	201	468

* Includes one each pending from the previous year.

These appeals have increased of late years, the number being in—

1876	1,293
1877	1,486
1878	1,851
1879	1,836
1880	1,921

The increase in 1880 took place in Hanthawaddy, Thonegwa, Henzada, and Tharrawaddy. The percentage modified or reversed was 35, against 33 in 1879. The five years' figures indicate a large increase of civil business in the Deputy Commissioners' Courts. Only 13 appeals pending over four months remained at the close of the year. The above statistics show a growing confidence in the Deputy Commissioners' Courts and a fairly expeditious disposal.

12. The subjoined table shows the work of the Appellate Courts :—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for redecision by lower Court.	Number left pending: For more than four months.	Number left pending: Total pending.	Average duration of appeals.
Arakan.	Mr. W. deCourcy Ireland.. } Deputy Commissioners, A kyab } ..	87	2	34	35	6	..	10	25·6
	„ A. R. Birks .. }								
	„ C. J. A. Duke .. }								
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner, Kyoukpyoo	81	..	50	24	4	..	3	21·6
	Major M. C. Poole, Deputy Commissioner, Sandoway	14	..	7	7	..	..	..	26·
	Mr. G. J. S. Hodgkinson, Officiating Commissioner of Arakan	3	..	3	..	..	..	..	} 41·5
	Mr. W. deCourcy Ireland, Officiating Commissioner of Arakan	1	..	..	1	..	..	..	
Pegu.	Mr. A. H. Hildebrand, Officiating Deputy Commissioner, Hanthawaddy	1	..	..	1	..	..	..	27·
	Mr. H. Buckle, Deputy Commissioner, Hanthawaddy	69	..	39	28	2	..	..	8·
	Major W. C. Plant, ditto. ditto ..	46	1	27	13	..	..	5	7·
	Mr. G. L. Weidemann, Deputy Commr., Thonegwa }	152	1	98	45	1	..	7	20·
	„ H. Buckle, ditto, ditto }								
	Colonel W. Munro, ditto, Bassein ..	285	5	157	86	2	11	35	74·
	Major H. R. Spearman, ditto, Henzada..	226	..	119	87	3	..	17	20·9
	Mr. W. C. Midwinter, ditto, Tharrawaddy	159	3	97	57	2	..	..	19·5
	„ G. J. S. Hodgkinson, ditto, ditto ..	17	..	10	6	..	..	1	8·8
	„ A. Hough, ditto, Prome ..	210	..	119	75	2	..	14	23·83
	Colonel H. N. Davies, ditto, Thayetmyo	*67	..	29	30	6	..	1	7·93
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst	111	..	73	35	1	2	2	23·
	Major C. H. A. Gower, ditto, Shwaygyin	108	6	62	33	5	..	2	29·
	„ G. A. Strover, ditto, Toungoo..	110	1	62	45	2	..	..	9·
	„ G. Alexander, ditto, Tavoy .. }	110	..	70	30	3	..	7	11·
	„ W. G. Hughes, ditto, ditto .. }								
	Captain J. Butler, ditto, Mergui ..	66	..	34	32	..	..	..	11·
	Mr. J. C. Davies, Assistant Commissioner, Salween	2	..	2	..	..	..	..	2·
	Colonel A. G. Duff, Commissioner of Tenasserim..	3	..	..	3	..	..	..	35·
	Total ..	1,928	19	1,092	673	39	13	104	21·50
	In 1879 ..	1,863	24	1,162	572	46	..	67	27·83

The average duration has fallen from 27 days in 1878 and 1879 to 21 days. In most districts the average is good. Inquiry is being made about Bassein.

* One compromised.

13. The next table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits :—

Division.	Name of district.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	2	2	..	..
	Sandoway	2	1	1	..
Pegu.	*Nil.*		*Nil.*		
Tenasserim.	Amherst	6	..	..	..
	Shwaygyin	2	..	..	..
	Toungoo	2	..	..	..
	Tavoy	2	..	..	1
	Mergui	4	..	..	1
	Salween	1	..	..	1
	Total	21	3	1	3
	In 1879	120	5	3	1

The decrease was chiefly in Akyab, where in 1879, the year of the fire, the Deputy Commissioners passed 93 original decrees.

14. The next table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the civil Courts :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees	Charges, including salaries of process-servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan.	Akyab	7,885	7,224 8 0	6,611 14 6
	Kyoukpyoo	2,715	2,216 0 0	2,480 9 8
	Sandoway	913	813 7 0	1,095 14 0
Pegu.	Hanthawaddy	9,378	8,938 0 0	6,520 6 0
	Thonegwa	11,088	9,427 0 0	4,430 14 0
	Bassein	14,283	12,720 0 0	7,190 6 8
	Henzada	10,052	8,924 12 0	7,584 9 11
	Tharrawaddy	7,596	5,963 0 0	4,567 7 11
	Prome	7,845	6,723 15 0	5,079 8 0
	Thayetmyo	3,591	3,109 0 0	2,512 10 0
Tenasserim.	Amherst	6,810	6,166 0 0	4,931 8 0
	Shwaygyin	4,981	4,392 8 0	3,036 0 3
	Toungoo	4,504	4,529 0 0	2,866 8 11
	Tavoy	2,668	2,223 0 0	1,908 0 0
	Mergui	1,998	1,752 0 0	1,534 8 0
	Salween	150	126 0 0	80 0 0
	Moulmein	8,498	9,072 8 0	3,397 7 0
	Total	1,04,935	94,320 10 0	65,828 4 10
	In 1879	1,09,073	98,901 0 0	66,420 7 7

Kyoukpyoo and Sandoway show deficits. The Deputy Commissioner of Kyoukpyoo proposes to utilize the bailiff for revenue business; and a reduction has just been made in the Sandoway establishment.

15. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeal admitted.	Decision reversed	Decision modified.	Decision confirmed.	Dismissed for default	Remanded.	Total disposed of	Pending
Arakan.	Mr W deCourcy Ireland, Akyab	5	2	..	3	..	..	5	..
	„ C. J A Duke, do .. .	1	1	..	..	..	..	1	..
	„ W deCourcy Ireland, Offg Commissioner of Arakan..	1	1	..	..	..	..	1	..
	Mr. G J S Hodgkinson, Offg Commissioner of Arakan..	1	..	..	..	..	..	..	1
Pegu.	Mr W. deCourcy Ireland, Hanthawaddy ..	2	1	..	1	..	..	2	..
	„ H Buckle, do ..	17	4	1	5	..	..	10	7
	Major W C Plant, do. ..	19	2	1	11	..	..	14	5
	Lieut -Colonel G E Fryer, Thonegwa ..	2	2	..	..	..	..	2	..
	Colonel E J Spilsbury, do ..	2	..	..	2	..	..	2	..
	Mr G L Weidemann, do. ..	24	5	2	8	..	..	15	9
	„ F W Fox, do. ..	1	..	..	..	..	..	.	1
	Colonel W Munro, Bassein	19	2	1	8	..	..	11	8
	Major H R Spearman, Henzada ..	20	8	..	6	..	..	14	6
	Mr C J F. S Forbes, Tharrawaddy ..	1	..	..	1	..	..	1	.
	„ W C Midwinter, do	30	14	..	14	..	..	28	2
	„ A Hough, Prome	25	6	1	12	..	2	21	4
	„ T. M Jenkins, Assistant Commissioner, Prome	1	..	..	1	..	..	1	..
	Colonel H N Davies, Thayetmyo	10	2	1	6	..	..	9	1
Tenasserim.	Mr J. K Macrae, Amherst	8	2	..	3	..	..	5	3
	Major H A. Gower, Shwaygyin	10	4	1	2	..	..	7	3
	„ G A Strover, Toungoo	3	..	1	1	..	..	2	1
	Lieut Colonel G E Fryer, Tavoy ..	1	..	..	1	..	..	1	..
	Major W G Hughes, do. ..	2	..	..	1	..	..	1	1
	Captain J Butler, Mergui	1	..	1	..	..	..	1	.
	Total ..	*206	56	10	86	..	2	154	†52
	In 1879 ..	218	69	5	119	..	4	197	21

Of the 206 appeals, 21 were pending from 1879 and 185 were newly presented: the last number compares with 155 in 1879, 130 in 1878, 110 in 1877, and 87 in 1876: 154 were disposed of. In 1879 the disposals were 197 and in 1878 eighty-six: 52 appeals remain pending, the result of large presentations in November and December. In 1878 the Judicial Commissioner was Sessions Judge of Bassein and Thonegwa districts, and his time was more devoted to criminal work in consequence. The proportion of reversals and alterations to disposals in 1880 was 42 per cent., against 37 per cent. in 1879 and 1878. The above statistics show a steadily increasing resort to this Court of appeal.

16. The next table shows the miscellaneous appeals, *i. e.*, from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reserved	Decision modified.	Decision confirmed	Remanded.	Total disposed of	Pending
Arakan ..	Mr G. J S Hodgkinson, Offg. Commissioner of Arakan	1	..	..	..	1	.
	Mr H Buckle, Deputy Commissioner, Hanthawaddy .	..	..	1	.	1	..
	Colonel E. J Spilsbury, Deputy Commissioner of Thonegwa	..	..	..	1	1	..
Pegu ..	Colonel W. Munro, Deputy Commissioner, Bassein ..	..	..	..	..	..	1
	Major H. R. Spearman, Deputy Commissioner, Henzada	..	..	1	..	1	..
	Mr. A Hough, Deputy Commissioner, Prome ..	..	..	2	..	2	..
Tenasserim ..	Major G. A Strover, Deputy Commissioner of Toungoo	..	..	1	.	1	
	Total ..	1	..	5	1	7	1
	In 1879 ..	2	..	3	..	5	1

* Includes 21 pending from last year. | † One referred to the Special Court.

Seven miscellaneous appeals were disposed of, as compared with 5 in 1879.

17. The number and result of references to the Court of the Judicial Commissioner is shown in the annexed table:—

Division	Court making the reference.	In accordance with paragraph 8 of Government of India notification No. 884, dated 12th August 1868.	Under sections 617 and 295, Act X of 1877.	Under section 25, Act XVII of 1875.	Under section 29, Act XVII of 1875.	Under section 84, Act XVII of 1875.	Under section 49, Act I of 1879.	Total.	Rulings adverse to the opinion of referring Court.	Rulings in conformance with opinion of referring Court.	Heard as appeals under section 84, Act XVII of 1875.	Total disposed of.	Pending.
Arakan	....	:	:	:	:	:	:	:	:	:	:	:	:
Pegu	Deputy Commissioner, Hanthawaddy	:	:	1	1	:	:	2	1	1	:	2	1
	Ditto, Thonegwa	:	:	1	1	:	:	2	:	:	:	1*	1
	Ditto, Bassein	:	1	:	:	:	:	1	:	1	:	1	:
	Ditto, Henzada	:	:	6	2	1	:	9	2	6	:	8	1
	Ditto, Tharrawaddy	:	:	:	1	:	:	1	1	:	:	1	:
Tenasserim	Ditto, Amherst	:	:	:	1	:	:	1	:	:	:	:	1
	Ditto, Shwaygyin	:	1	1	4	:	:	5	1	4	:	5	:
	Judge of Moulmein	:	:	:	:	:	:	1	:	1	:	1	:
Total		:	1	9	10	1	:	22	5	13	:	19	3
In 1879		:	1	6	8	:	1	16	3	12	:	15	1

* The Court considered that it was not justified by law in giving any opinion.

This part of the work has increased from 19 to 21 references, those pending from previous years being excluded.

18. The following table shows the work of the Judicial Commissioner as a Court of Revision :—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner, or Extra Assistant Commissioner from whose decision revision was made.	Revision admitted.	Decision reversed.	Decision modified.	Decision confirmed	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Mr. D. J. A. Campbell, Assistant Commissioner, Akyab	2	..	..	2	..	..	2	..
	Mr W. deCourcy Ireland, Deputy Commissioner, Akyab	1	..	..	1	..	..	1	..
	Mr. A. R. Birks, Deputy Commissioner, Akyab	1	..	..	1	..	..	1	..
	Moung Myat Thadoon, Myooke of Koladan, Akyab district	1	..	..	1	..	..	1	..
Pegu.	Major W. C. Plant, Deputy Commissioner, Hanthawaddy	1	..	..	1	..	..	1	..
	Moung Toon Oung, Extra Assistant Commissioner, Hmawbee, Hanthawaddy district	1	..	..	1	..	..	1	..
	Moung Po, Extra Assistant Commissioner, Hlaigoo, Hanthawaddy district	1	..	..	1	..	..	1	..
	Mr G. L. Weidemann, Deputy Commissioner, Thonegwa	1	1	..	..	..	..	1	..
	Tsitkeh of Pegu, Hanthawaddy district	1	1	..	..	..	..	1	..
	Mr E. C. Morrieson, Assistant Commissioner, Syriam	1	..	..	1	..	..	1	..
	Colonel W. Munro, Deputy Commissioner, Bassein	1	..	..	1	..	..	1	..
Tenasserim.	Mr. H. Sankey, Assistant Commissioner, Shwaygyin	1	..	..	1	..	..	1	..
	Total	13	2	..	11	..	..	13	..

Thirteen cases were disposed of in 1880: in 1879, two.

19. The Judicial Commissioner referred only 1 case to the Special Court, and no appeals from the Judicial Commissioner were preferred there.

20. There are altogether 454 Advocates in the Courts under the Judicial Commissioner, of whom 38 are entitled to practice before the Judicial Commissioner: of the latter, 16 are Barristers-at-law.

21. Mr. Crosthwaite was one of the visitors of jails, and, in addition to the disposal or superintendence of the work described in this report, visited many of the Courts, both European and Native, and as the occasion arose passed orders, judicial or administrative, on the matters thus coming under his notice: these tours are one of the peculiar features of the administration of justice here; they enable the Judicial Commissioner to examine in detail the work of the many obscure little Courts by whose agency most of the original suits are tried. The year 1880 will be memorable as that in which the Government of India has been moved to better the pay and prospects of the Native Judges. Mr. Crosthwaite's minute has explained his views on this most important subject, and I am aware that the Chief Commissioner concurs in them. As Hindus, Chinamen, and Europeans settle in the country, there will be more need of English-speaking Judges and Advocates, as there are few translations of English, Hindu, or Chinese law-books into Burmese, and the necessity for better original Courts will increase with the future development of the province.

JOHN JARDINE,
Judicial Commissioner,
British Burma.

PART III.

Courts under the supervision of the Commissioner of the Arakan Division.

From Colonel E B. SLADEN, Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 92, dated the 15th February 1881.

I HAVE the honour to forward the report of the Superintendent on the administration of civil justice in the hill district of Arakan for the year 1880, with statements Nos. 6 to 10 and general statement No. 1.

2. There has been no change in the constitution of the Courts during the year under report.

3. *Suits instituted.*—The total number of suits instituted during the year was 88, as compared with 71 during the preceding year.

The increase is attributed by the Superintendent to the fact that the Stamp Act is not in force, and that litigation can be indulged in by hillmen at comparatively little or no cost.

The Superintendent is of opinion that a good deal of this litigation is of a "petty and unhealthy nature," and that it is likely to rapidly increase unless a subordinate Court is sanctioned and the Stamp Act enforced. His object would seem to be to prevent such litigation coming before himself as chief district Court. I am not sure that he is right in wishing to check a resort by litigants to his Court, unless he is able to show that the press of judicial work is such as to interfere with his other more important duties: this he certainly cannot do. The statements which accompany the report show that out of 60 cases taken up by himself, only 3 were contested, 21 were disposed of on confession, and 25 submitted to the arbitration of hill chiefs. He bears willing testimony to the honesty of these chiefs and the successful results of their arbitration in all civil disputes referred to them.

No sufficient case therefore is made out for a subordinate Court, or for any such impolitic move as the introduction of stamps amongst the hill tribes of Northern Arakan.

4. The remaining portions of the report call for no special comment.

From A H. HILDEBRAND, Esq., Deputy Commissioner, Arakan Hill Tracts, to the Commissioner of the Arakan Division,—dated the 1st January 1881.

I HAVE the honour to forward the annual report on the administration of civil justice for the district of Arakan Hill Tracts for the past year.

The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year:—

Class and locality of Court and name of presiding Judge.	Instituted		Disposed of		Pending at close of year.			
					Above four months.		*Total pending.*	
	Previous year.	Year of report	Previous year.	Year of report	Previous year.	Year of report	Previous year	Year of report.
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade	62	28	62	28	..	..	..	..
Major W. G. Hughes, Deputy Commissioner	9	3	9	3	..	..	..	..
Mr. C. J. A. Duke, ditto	..	40	..	40	..	..	..	..
„ A H Hildebrand, ditto	..	17	..	17	..	..	..	..
Total ..	71	88	71	88	..	..	..	..
Increase ..	..	17	..	17	..	..	..	..

This table shows an increase of 17 suits filed and disposed of for the year under review, while there were none pending in either year.

For the previous year there was a sub-division under an Extra Assistant Commissioner at Myouktoung, which formed a portion of this district. During the year under review this sub-division, with its Extra Assistant Commissioner, has been transferred to the Akyab district.

There is now no Subordinate Judge of any sort in the district.

Formerly all petty civil cases, such as shop-bills, petty debts, &c., were necessarily brought in the Court of the Extra Assistant Commissioner at Myouktoung.

These suits originate principally between the constables and bazaar-sellers in Palukwa (head-quarters) or between constables. To have to go to Myouktoung was a sort of deterrent to rushing into Court without first having tried all other means of settling their disputes.

The Stamp Act is not in force in this district, so that at present every man who has a rupee owing to him, and cannot at once get satisfaction from the debtor files a plaint on plain paper in the Court of the Deputy Commissioner immediately at hand.

I believe that this is the cause of the increase in suits, and I am afraid this petty litigation will materially increase, unless the Stamp Act is enforced or a lower Court is sanctioned at some distance from head-quarters. I do not consider that a good deal of the petty litigation that goes on at present is of a healthy nature, and it certainly is not such as should come before the chief district Court for adjudication.

2. The next table shows the character of original litigation in the different classes of Courts :—

Class and locality of Court and name of presiding Judge.	Number of suits												
	On written obligation.	On unwritten obligation	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages on account of torts.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade ..	..	9	..	..	2	11	..	2	8	..	..	1	
Major W. G. Hughes, Deputy Commissioner ..	..	..	..	2	1	..	..	..	..	..	..	..	
Mr C J A Duke, Deputy Commissioner ..	..	..	..	21	10	..	..	..	8	1	..	..	
Mr. A. H Hildebrand, Deputy Commissioner ..	..	..	..	5	3	1	..	..	7	1	..	..	
Total ..	..	9	..	28	16	12	..	2	18	2	..	1	

3. The value of original suits was as follows :—

Class and locality of Court and name of presiding Judge.	Number of suits disposed of valued at not exceeding rupees							Above Rs. 1,00,000.	Total value of suits.
	5	20	100	500	1,000	10,000	1,00,000		
									Rs A. P.
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade ..	4	8	15	1	..	..	..	..	902 14 0
Major W. G. Hughes, Deputy Commissioner ..	..	1	2	..	..	..	..	..	103 0 0
Mr C J. A. Duke, Deputy Commissioner ..	..	16	22	3	..	..	..	..	1,983 12 3
Mr. A H Hildebrand, Deputy Commissioner ..	1	4	6	5	..	..	..	..	1,200 0 0
Total ..	5	29	45	9	..	..	..	..	4,189 10 3

As in the number of suits instituted, so in their value, there has been a corresponding increase of Rs. 382.

4. The manner in which the litigation was disposed of in the several Courts is shown :—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
										Judgment for plaintiff in whole or in part.	Judgment for defendant			
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade ..	28	..	..	3	..	3	10	..	..	10	2	28	..	..
Major W. G. Hughes, Deputy Commissioner..	3	..	..	..	..	..	2	..	..	1	..	3	..	..
Mr. C J. A Duke, Deputy Commissioner ..	41	..	..	1	..	5	13	3	..	1	1	41	..	17
Mr. A H. Hildebrand, Deputy Commissioner..	16	..	..	..	2	..	6	..	..	..	..	16	..	8
Total ..	88	..	..	4	2	8	31	3	..	12	3	88	..	25

Of the 88 suits brought, 31 were decreed on confession and 25 referred to the paid chiefs, as in former years, for arbitration : this mode of settling disputes, having reference to customs peculiar to the tribe to which the parties to the suits and the chiefs who act as arbitrators belong, is undoubtedly both popular and politic, so long as these arbitrators are honest and conscientious in the discharge of the trust. I have no reason to believe that they are not strictly so, and having watched carefully all the awards given I have not had to interfere once, they having been good in equity and morality. That they are popular may be inferred from the universal abiding by the award and satisfying the decree without any reference to the Courts.

5. The average duration of suits in each Court of original jurisdiction was as follows :—

Class and locality of Court and name of presiding Judge.	Average duration of suits			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade	4·	2·	3·64	3·31
Major W. G. Hughes, Deputy Commissioner ..	1·66	..	·33	..
Mr. C. J. A. Duke, ditto ..	..	..	6·	4·31
„ A. H. Hildebrand, ditto ..	..	..	3·29	..

6. The next table shows the number of applications for execution in the degree in which the applications were satisfied :—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Moung Shway Nya, Extra Assistant Commissioner, 3rd class, 3rd grade	*Nil.*			
Major W. G. Hughes, Deputy Commissioner				
Mr. C. J, A Duke, ditto ..				
„ A. H. Hildebrand, ditto ..				

7. Processes of execution were issued as follows :—

Name of district	Mode of execution.						
	Delivery of possession.	*Person*	*Moveable property*		*Immoveable property*		Orders under section 355, Civil Procedure Code.
		Imprisonment of	Attached.	Sold.	Attached.	Sold.	
Nil.	*Nil.*						

8. The subjoined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Court and the proportion in which the decrees appealed against were upheld;—

Name of Extra Assistant Commissioner or Assistant Commissioner.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversal and modification to appeals preferred.
Moung Shway Nya, Extra Assistant Commissioner	3	1	2	..	66

A. H. HILDEBRAND,
Deputy Commissioner, Arakan Hill Tracts.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STAEMENT 1.

Showing the various Judicial Tribunals, Original and Appellate, existing in the Town of Rangoon on the last day of the year 1880.

CLASS OF TRIBUNAL, Distinguishing those which exercise powers in one department from those exercising powers in two or three departments and those consisting of paid from unpaid Judges.	Number of judicial divisions	Average area of each division in square miles	Average population of each division	Number of tribunals	Constitution of tribunals stating number of Judges in each and Jury or Assessors, if any	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment	TOTAL NUMBER OF JUDGES. European: Covenanted	European: Commissioned military officers	European: Uncovenanted.	Native	AVERAGE ANNUAL SALARY OF EACH PAID JUDGE: European	Native	Total cost of tribunals	Net receipt from stamps	Executive or other functions exercised by the same officers	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal	NUMBER OF CASES DECIDED DURING THE YEAR: Criminal	Civil	Revenue	Appeal.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
												Rs A P		Rs. A. P	Rs A P							
Extra Assistant Commissioner exercising criminal powers only Paid.	1		.	1	1	Magistrate of 2nd class				1	.	3,000 0 0			1,622 0 0	Sub-Registrar of town lots and Superintendent of Stamps, and Treasury Officer in charge of land sale and rent fund	183	20	741	.	..	. .
Assistant Magistrate, Rangoon exercising criminal powers. Paid.	1		.	1	1	Magistrate of 1st class and Justice of the Peace		1				7,200 0 0		41,021 4 0	879 0 0	Member of Cantonment Committee and Personal Assistant to the Chief Commissioner	294	20	2,928	. .	..	..
Town Magistrate and Deputy Commissioner, Rangoon, exercising criminal revenue powers. Paid.	1		..	1	1	District Magistrate of 1st class and Justice of the Peace		.	1			12,000 0 0	.		62 0 0	Collector of Revenue, President of the Municipality, Hospital, and Dalhousie Park Committees Member of Cantonment Committee, Port Commissioners, Boundary Officer, Judge of Court of Survey, Official Visitor, Lunatic Asylum and Central Jail Registrar, Commandant, Rangoon Volunteer Rifles	64	20	234	. ..	..	.

Small Cause Courts confined to proper functions.	..	...	1,82,000	..	.	......	...	...	...	...	...	...	...	.. ...	...	.. .		...	...	.		
Small Cause Court, 2nd Judge. Paid.	1	...		1	1	Original jurisdiction up to Rs. 500	...	...	...	.	1	..	*1,500	3,794 0 0	2,195 8 0	......	Every day except Sundays and holidays.	33	...	Reg. 384 Misc. 248 Total 632	..	This Court has been closed since 1st April 1880.
Small Cause Court, 1st Judge. Paid.	1	.	...	1	1	Original jurisdiction up to Rs. 1,000	...	...	...	1	...	12,000 0 0	...	18,214 13 0	23,406 12 0	.. ...		18	..	Reg. 2,963 Mics. 2,056 Total 5,019		
Recorder's Court exercising original, civil, criminal, admiralty, and insolvency jurisdictions.	1	45	..	1	1 Judge and five Jurors.	*Civil.* Ordinary original civil jurisdiction in suits of every description except those which are cognizable by a Court of Small Causes. Admiralty jurisdiction as exercised by a High Court throughout British Burma, including the territorial waters thereof. Insolvency jurisdiction under the 11th and 12th Vic., cap. 21, within the towns of Rangoon, Moulmein, Akyab, and Bassein. Powers of a District Judge ... Powers of a District Judge under the Indian Divorce Act throughout British Burma. Powers of a High Court in respect of the Court of Small Causes, Rangoon. *Criminal.* Powers of a Court of Sessions as defined in the Code of Criminal Procedure in the town of Rangoon. Criminal appellate jurisdiction. Powers of a High Court for the trial of European British subjects throughout British Burma. Powers of a High Court in respect of the Magistrates of the town of Rangoon.	.. Barrister of not less than five year's standing.	...	...	1 1 †	...	30,000 0 0 6,342 4 5	...	52,176 15 1	33,581 1 0	One of the Judges of the Special Court, British Burma.	Every day, Sundays and authorized holidays excepted.	15	As a Court of Sessions 56 As a High Court 12 Total ... 68	Regular ... 192 Admiralty ... 1 Matrimonial ... 1 Insolvency ... 27 Miscellaneous ... 233 Total ... 454	...	44 criminal appeals and revisions.

* For 3 months of the year.
† Additional Recorder from 10th August to 13th November 1880.

ABSTRACT.

1 Recorder 1 Assistant Commissioner.	1 Deputy Commissioner and Town Magistrate. 1 Extra Assistant Commissioner	1 First Judge Small Cause Court.

JUDICIAL STATEMENT 6—(CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts of the Town of Rangoon in the year 1880.

CLASS OF TRIBUNAL	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 500 COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES."																OTHER SUITS.													
	On written obligation.		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the Rent Law.*		*Moveable property or value thereof.*		*Damages.*														
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suit.	Remarks.
Courts of Small Causes.																														Total.
Second Judge ...	136	...	40	...	4	...	22	...	65	...	3	...	48	...	27	...	2	...	...	...	...	..	...	...	...	...	...	...	...	...	347
First Judge ...	1,194	72	967	6	15	...	161	6	336	2	12	8	168	1	105	6	26	...	...	...	...	...	...	...	...	...	...	...	...	...	3,085
Total ...	1,330	72	1,007	6	19	...	183	6	401	2	15	8	216	1	132	6	28	...	...	...	...	...	...	...	...	..	...	...	...	...	3,432
Recorder's Court ...	...	41	...	2	...	3	...	2	...	...	...	1	...	...	1	7	3	10	38	3	33	15*	8	...	...	15	10	...	...	...	1	193
GRAND TOTAL ..	1,330	113	1,007	8	19	3	183	8	401	2	15	9	216	1	133	13	31	10	38	3	33	15	8	...	...	15	10	...	...	...	1	3,625

* Includes one matrimonial.

JUDICIAL STATEMENT 7—(CIVIL).

Statement showing the value of suits disposed of in the Civil and Revenue Courts of the Town of Rangoon in the year 1880.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Village Courts.	Small Cause Court, Second Judge.	Small Cause Court, First Judge.	District Courts.	Superior Courts (Recorder's)		
1	2	3	4	5	6	7	8
In Civil Courts. Rs.						Rs. A. P.	
Not exceeding 5	.... .	18	74	. ....	.....	380 14 1	Twenty-five suits were disposed of without value.
Ditto 20	.....	101	804	. ....	.....	11,805 12 9	
Ditto 100	.... .	185	1,453	.....	4	78,827 1 1	
Ditto 500	.....	80	546	.....	35	1,43,728 14 8	
Ditto 1,000	.....	.....	86	.....	20	75,333 13 11	
Ditto 5,000	.....	.....	.....	.....	91	2,04,332 10 9	
Ditto 10,000	... ..	.....	.....	.....	12	84,518 8 1	
Ditto 1,00,000	. ....	. ....	... .	.....	6	1,15,686 4 0	
Exceeding 1,00,000	.....	.....	.....	.....	...	.....	
Total in Civil Courts ...	.....	384	2,963	.. ...	168	7,14,613 15 4	This is exclusive of the admiralty suit disposed of, valued at Rs. 15,464.

JUDICIAL STATEMENT 8—(CIVIL).

Statement showing the general result of the trial of civil suits in the Courts of original jurisdiction in the Town of Rangoon in the year 1880.

CLASS OF COURT	Suits remaining from last year	Instituted in 1880.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	CONTESTED.		Total disposed of	Pending.	Over 2 months.	Over 4 months.	AVERAGE DURATION OF SUITS.		Referred to arbitration.	REMARKS.
													Judgment for plaintiff in whole or part.	Judgment for defendant					Contested.	Uncontested.		
																			Days.	Days.		
Small Cause Courts . 2nd Judge .	37	347	...	384	7	2	89	3	15	39	158	2	43	26	364	...	...	.	19¼	18	...	
Small Cause Courts . 1st do. .	96	3,078	7	3,181	.	16	541	51	170	236	891	58	543	457	2,963	218	10	8	27½	19⅔	...	
Total ...	133	3,425	7	3,565	7	18	630	54	185	275	1,049	60	586	483	3,347	218	10	8	26⅔	19¼	...	
Superior Courts of general jurisdiction: Recorder's Court . ..	22	193	...	214	...	..	12	4	18	14	48	..	69	27	192	22	1	6	62	36	..	
Superior Courts of special jurisdiction. Admiralty . .	1	2	..	3	...	...	...	..	...	.	..	...	1	..	1	2	.	...	..	..	..	
Superior Courts of special jurisdiction. Matrimonial	.	1		1	...	..	1	...	.	.	..	..	..	...	1	...		...	...	...	...	
Superior Courts of special jurisdiction. Insolvent	16	26	..	42	..	1	2	..	..		...	...	21	3	27	15	...	...	...	...	..	
Total .	39	221	...	260	..	1	15	4	18	14	48	..	91	30	221	39	1	6	62	36		
GRAND TOTAL .	172	3,646	7	3,825	7	19	645	58	203	289	1,097	60	677	513	3,568	257	11	14	...	...	...	

JUDICIAL STATEMENT 9—(CIVIL).

Statement showing the business of the Civil and Revenue Appellate Courts exercising jurisdiction within the Town of Rangoon in the year 1880.—Blank.

JUDICIAL STATEMENT 10—(CIVIL).

Statement showing the execution of the Decrees of the Civil Courts in the Town of Rangoon in the year 1880.

CLASS OF COURT.	APPLICATIONS TO EXECUTE DECREES.				Decrees completely executed.	Decrees partially executed.	Pending at the end of 1880.	Decrees executed by possession being given.	NATURE AND NUMBER OF COERCIVE PROCESSES ISSUED.						REMARKS.
	Pending.	Filed.	Received by transfer.	Total.					Imprisonment of person.	*Moveable property.*		*Immoveable property.*		Orders under section 243, Code of Procedure.	
										Attached.	Sold.	Attached.	Sold.		
COURTS OF SMALL CAUSES ... 2nd Judge ...	6	103		109	28	17	..	..	7	21	18	...	.	...	Total applications for execution ... 109 Decrees completely executed ... 28 Do. partially executed .. ... 17 Cases in which parties have compromised and writs returned unexecuted 15 Cases in which no results have been obtained .. .. 49 — 109
COURTS OF SMALL CAUSES ... 1st do. ...	29	1,065	23	1,117	565	89	26	..	95	165	63	...	...	...	Total applications for execution .. . 1,117 Decrees completely executed .. 565 Do partially executed ... 89 Cases in which parties have compromised and writs have been returned unexecuted .. ... 48 Cases in which no results have been obtained ... ... 399 Cases pending at the close of the year . 26 — 1,117
Recorder's Court	7	113	8	128	42	36	6	1	28	6	4	10	18		Total applications for execution . ... 128 Decrees completely executed .. 42 Do. partially executed . . 36 Do. executed by possession being given . .. . 1 Cases in which no results have been obtained ... .. 43 Pending at the close of the year .. 6 — 128
Total ...	42	1,281	31	1,354	635	142	32	1	130	192	85	10	18	...	

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT 1.

Statement showing the various Judicial Tribunals, Original and Appellate, existing in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1880.

CLASS OF TRIBUNAL. Distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judges.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals.	Constitution of tribunals, stating number of Judges in each and jury or Assessors, if any.	Judicial powers of each tribunal, original and appellate.	Prescribed qualification of Judges previous to appointment.	TOTAL NUMBER OF JUDGES.				AVERAGE ANNUAL SALARY OF EACH PAID JUDGE.		Total cost of tribunals.	Net receipts from stamps.	Executive or other functions exercised by the same officer.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	NUMBER OF CASES DECIDED DURING THE YEAR.			
								European				European.	Native.						Criminal.	Civil.	Revenue.	Appeal.
								Covenanted.	Commissioned military officers.	Uncovenanted.	Native.											
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
												Rs. A. P.	Rs. A. P.	Rs. A. P.								
Local and Subordinate Magistrates exercising criminal powers only, unpaid	1	...	...	1	1 Judge ...	Magistrate of 3rd class under section 20, Act X of 1872.	...	...	...	1	...	...	...	...		Deputy Conservator of Forests.	...	...	115	...	...	...
Ditto ditto exercising criminal powers only. Paid.	1	...	...	1	1 do. ...	Ditto ditto	...	...	1	...	...	1,200-0-0	...	1,200-0-0		...	...	1	88	...	...	...
Ditto ditto exercising civil powers only. Paid.	2	...	...	2	1 do. ...	Civil original jurisdiction up to Rs. 3,000 and Rs. 5,000 as Courts of grade (2) under sections 12 and 13 of Act XVII of 1875. One Judge has powers of a Small Cause Court up to Rs. 100 in value.	...	...	...	..	2	...	4,800-0-0	11,058-0-0		...	...	12	...	2,113	...	...
Ditto ditto exercising criminal, civil and revenue powers. Paid.	92	...	...	92	1 do. ...	Magistrates of the 2nd and 3rd classes under section 20, Act XVII of 1875, civil original jurisdiction up to Rs. 500 and Rs. 3,000 as Court of grade (1) and grade (2) defined in section 12 of Act XVII of 1875, with revenue powers under the rules of the province.	...	5	1	3	83	4,970-0-0	3,000-0-0	2,79,999-5-6		...	...	12	10,650	21,475	7,454	—
Ditto ditto exercising criminal, civil and revenue powers. Paid.	1	...	...	1	1 do. ...	Magistrates of the 3rd class under section 20, Act X of 1872, civil original jurisdiction of whatever value or amount under section 2 (*a*) of the Arakan Hills Civil Justice Regulation, 1874, revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	...	...	...	1	...	1,200-0-0	2,957-1-9		— holidays excepted.	...	...	12	28	...	...

Small Cause Courts confined to proper functions. Paid.	1	13	57,889	1	1	Both under Act XVII of 1875. One Judge for both Courts. Jurors employed in Sessions trials.	Civil original jurisdiction in civil suits up to Rs. 1,000 under section 12 of Act XVII of 1875.	...	...	...	1	...	17,520-0-0	...	31,273-2-9	Rs. 4,71,194-10-0.	Sessions Judge	Sundays and	10	...	2,488	...	...
Court of the Judge of the Town of Moulmein. Paid.	1			1			Civil original sessions and criminal appeal under Act XVII of 1875; also powers of a Small Cause Court with jurisdiction up to Rs. 1,000 under section 12, Act XVII of 1875.												7	22	130	...	5
Magistrate of 1st class exercising criminal powers only Paid.	1	...	...	1	1 Judge	...	Magistrate of the 1st class under section 20, Act X of 1872, and Justices of the Peace.	...	1	...	...	...	6,000-0-0	...	[illegible]8,808-0-0		...	...	32	637	...	...	...
Magistrates of 1st class exercising criminal, civil, and revenue powers. Paid.	15	...	...	15	1 do.	...	Magistrates of the 1st class under section 20, Act X of 1872, and Justices of the Peace; civil jurisdiction up to Rs. 3,000 under Act XVII of 1875; revenue powers under the rules of the province.	...	7	5	3[illegible]	...	7,400-0-0	...	1,44,054-0-0		...	...	24	3,292	1,004	1,002	...
Magistrates of districts exercising criminal, civil, and revenue powers, as also special powers under section 36 of Act X of 1872. Paid.	17	...	...	17	1 do.	...	Magistrates of the 1st class under section 20, of Act X of 1872, civil original jurisdiction in all suits of whatever value or amount, with appellate civil powers over all courts of grade (1) and of grade (2) as defined in section 12, Act XVII of 1875. Revenue, original, and appellate powers as in the revenue rules of the province; also additional powers under section 36, Act X of 1872. Magistrates of full powers have the chief executive control over their districts, and have powers to hear appeals from the orders of 2nd and 3rd class Magistrates in their districts and are also Justices of the Peace. One Judge civil original jurisdiction in all suits of whatever value or amount under section (2) of Regulation V of 1876 to amend the Arakan Hills Civil Justice Regulation, 1874, with appellate civil powers over all the courts in his district under section 2 (*b*) of the Arakan Hills Civil Justice Regulation, 1874. Revenue, original, and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	...	2	10	5	...	16,850-0-0	...	3,28,596-5-1		...	...	54	2,741	147	3,923	2,196
Sessions Courts. Paid.	3	...	...	3	1 do. with Assessors in Sessions trials.		Powers of Court of Sessions under section 15, Act X of 1872. Appellate jurisdiction, criminal, civil, and revenue, over all chief courts of districts and Magistrates of the 1st class. Powers of a High Court in all civil matters in the Hill district of Arakan.	...	...	3	..	...	32,333-5-0	...	1,35,970-10-8		...	...	11	129	4	...	421
Court of the Judicial Commissioner. Paid.	1	...	...	1	1 Judge	...	Powers of a High Court.	...	1	...	..	...	26,400-0-0	...	39,504-0-0	5,905-0-0.	...	...	13	37	...	...	1,167*

*Civil 154; Criminal 234; Appeals as Courts of Sessions 80; Revisions (civil) 13; Revisions (criminal) 686,—Total 1,167.

ABSTRACT.

1 Judicial Commissioner.
3 Commissioners.
1 Judge.

15 Deputy Commissioners.
1 Town Magistrate.
1 Assistant Cantonment Magistrate.

18 Assistant Commissioners.
96 Extra Assistant Commissioners.
1 Honorary Magistrate.

JUDICIAL STATEMENT 6—(CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1880.

CLASS OF TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO RS. 500 COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES."																SUITS UNDER THE RENT LAW.								OTHER SUITS												Total.
	On written obligation.		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the Rent Law.*		*Moveable property or value thereof.*		*Damages.*		Arrears of rent with or without ejectment or cancellment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion, or withholding receipts, or on account of illegal restraint, or other cause.	For pottahs or kuboolouts.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the Rent Law not included above.	Suits for immoveable property.	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Other suits.	
	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.																					
Small Cause Courts ...	1,661	...	385	...	33	...	83	...	544	...	409	...	27	...	142	...	45	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,389
Paid sub-divisional Courts	3,425	161	3,960	15	351	8	1,142	20	3,106	20	1,778	26	185	3	2,546	27	3,938	14	4	1	5	5	...	11	2[illegible]	1	1,655	66	83	33	12	2	44	894	136	107	...	53	18	23,884
Chief Courts of districts...	4	103	3	1	...	4	3	1	1	2	1	1	...	...	4	6	1	3	...	...	...	...	...	...	1	3	15	4	17	2	7	...	...	...	11	3	1	...	...	202
Total ...	5,090	264	4,348	16	384	12	1,228	21	3,651	22	2,248	27	212	3	2,692	33	3,984	17	4	1	5	5	...	11	28	4	1,670	70	100	35	19	2	44	894	149	110	1	53	18	*27,475

* Thirty-three suits pending from last year in the Kyoukpyoo and Hanthawaddy districts are included.

JUDICIAL STATEMENT 7—(CIVIL).

Statement showing the value of suits disposed of in the Civil Courts of the Province of British Burma, exclusive of the Town of Rangoon in the year 1880.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Village Courts.	Small Cause Court.	Moonsiffs, Deputy Collectors, and other Sub-divisional Courts.	District Courts.	Superior Courts.		
1	2	3	4	5	6	7	8
In Civil Courts							
Rs.						Rs. A. P.	
Not exceeding 5	..	231	1,726	2	...	6,370 4 0	Suits without value, 318.
Ditto 20	...	1,004	5,238	5	...	83,335 7 5	
Ditto 100	...	1,408	12,228	13	..	6,91,153 2 0	
Ditto 500	...	563	4,034	26	...	9,18,085 2 7	
Ditto 1,000	...	86	257	30	...	2,58,085 15 5	
Ditto 5,000	..	...	92	89	...	3,64,588 10 0	
Ditto 10,000	...	...	..	11	...	72,272 10 0	
Ditto 1,00,000	...		...	9	...	1,61,049 6 0	
Exceeding 1,00,000	...	...	...	..	...	...	
Total in Civil Courts	...	3,292	23,575	185	..	25,54,920 9 5	

NOTE.—One political suit, valued at Rs. 8,136, is not included.

JUDICIAL STATEMENT 8—(CIVIL).

Statement showing the general result of the trial of civil suits in the Courts of Original Jurisdiction in the province of British Burma, exclusive of the town of Rangoon, in the year 1880.

CLASS OF COURT.	Suits remaining from last year.	Instituted in 1880.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	CONTESTED.		Total disposed of.	Pending.	Over two months.	Over four months.	AVERAGE DURATION OF SUITS.		Referred to arbitration.	REMARKS.
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		
Small Cause Courts	75	3,386	3	3,464	3	23	547	23	173	295	1,203	4	723	286	3,292	172	4	4	11·	7·	12	
Paid sub-divisional tribunals ...	467	23,787	64	24,318	76	123	4,443	329	1,868	2,681	3,598	159	6,802	3,733	23,885	433	6	3	15·	8·	73	
Chief Courts of districts	18	192	10	220	3	...	2	3	14	24	36	3	73	30	193	27	1	9	25·	15·	3	
Total ...	560	27,365	77	28,002	82	146	4,992	355	2,055	3,000	4,839	166	7,598	4,049	27,370	632	11	16	17·	10·	88	

JUDICIAL STATEMENT 9—(CIVIL).

Statement showing the business of the Civil Appellate Courts of British Burma, exclusive of the town of Rangoon, in the year 1880.

CLASS OF COURT.		Remaining from last year.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default, or under 5 and 6, Act XXIII of 1861.	HEARD EX-PARTE			CONTESTED.				Total disposed of.	Pending.	Over four months.	Objections under section 348, Act VIII of 1859.	Objections allowed.	REMARKS.
								Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
CHIEF APPELLATE COURT OF DISTRICT	Civil appeal ...	67	1,853	1	1,921	...	19	115	3	16	974	198	452	39	1,816	104	13	...	...	One compromised.
	Miscellaneous do. ...	...	34	...	34	...	3	...	1	6	9	2	13	...	34	...	...	...	...	
SUPERIOR APPELLATE COURTS OTHER THAN CHIEF COURT OF PROVINCE, EACH CLASS OF COURT BEING SPECIFIED ...	Civil do. ...	...	7	...	7	...	...	...	...	...	3	1	3	...	7	...	...	...	...	
	Miscellaneous do. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
COURT OF THE JUDICIAL COMMISSIONER	Regular appeal from Judge of Bench in original jurisdiction ...	...	11	...	11	...	...	...	1	...	4	2	...	...	7	4	...	...	...	
	From District Courts—Second appeals ...	21	174	...	195	...	...	34	2	10	48	5	46	2	147	48	2*	...	...	*One referred to the Special Court.
	Miscellaneous do. ...	1	7	...	8	...	...	3	...	...	2	...	1	1	7	1	1	...	...	
	Civil revisions ...	4	9	...	13	...	...	9	...	...	2	...	2	...	13	...	...	...	...	
	Total ...	93	2,095	1	2,189	...	22	161	7	32	1,042	208	517	42	2,031	157	16	...	...	One compromised.

JUDICIAL STATEMENT 10—(CIVIL).

Statement showing the execution of the decrees of the Civil Courts of the province of British Burma, exclusive of the Town of Rangoon, in the year 1880.

CLASS OF COURT	APPLICATIONS TO EXECUTE DECREES.				Decrees completely executed	Decrees partially executed	Pending at the end of 1880.	Decrees executed by possession being given	NATURE AND NUMBER OF COERCIVE PROCESSES ISSUED.						REMARKS.
									Imprisonment of person.	*Moveable property.*		*Immoveable property*		Orders under section 243, Code of Procedure.	
	Pending	Filed.	Received by transfer.	Total.						Attached.	Sold.	Attached.	Sold.		
Small Cause Courts	67	1,325	5	1,397*	237	276	91	.....	111	155	82	1	.....	.....	* 793 applications struck off
Local sub-divisional Civil Courts ...	209	4,590	143	4,942†	2,349	995	208	109	953	1,832	549	1,188	416	1	† 1,272 applications struck off, 9 applications withdrawn.
District Courts ...	19	228	2	249‡	38	68	19	5	18	43	26	108	66	.....	‡ 119 applications struck off.
Total .	295	6,143	150	6,588§	2,624	1,339	318	114	1,082	2,030	657	1,297	482	1	§ 2,184 applications struck off, 9 applications withdrawn.

APPENDICES TO PART III.;

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

Judicial Statement 1.

Statement showing the various Judicial Tribunals, Original and Appellate, existing in Hill District of Arakan on the last day of the year 1880.

Class of Tribunal, distinguishing those which exercise powers in one department from those exercising powers in two or three departments, and those consisting of paid from unpaid Judge.	Number of judicial divisions.	Average area of each division in square miles.	Average population of each division.	Number of tribunals	Constitution of tribunal, stating number of Judges in each and jury or assessors, if any	Judicial powers of each tribunal, original and appellate	Prescribed qualification of Judges previous to appointment.	Total number of Judges. European. Covenanted	Total number of Judges. European. Commissioned military officers	Total number of Judges. European. Uncovenanted.	Total number of Judges. Native	Average annual salary of each paid Judge. European.	Average annual salary of each paid Judge. Native	Total cost of tribunals.	Net receipt from stamps	Executive or other functions exercised by the same officers.	Average number of days in the year devoted to judicial work.	Average number of Advocates attached to each tribunal.	Number of cases decided during the year. Criminal.	Number of cases decided during the year. Civil.	Number of cases decided during the year. Revenue.	Number of cases decided during the year. Appeal.
												Rs A. P.	Rs.	Rs A. P.								
Local and Subordinate Magistrates exercising criminal, civil, and revenue powers Paid.	1			1	1	Subordinate Magistrate of the 3rd class, under section 20 of Act X of 1872. Civil original jurisdiction intimated under section 2 (*a*) of the Arakan Hills Civil Justice Regulation, 1874 Revenue powers as prescribed in the Arakan Hills District Laws Regulation, 1874.	.	...	...		1	...	600		..	...	Sundays and authorized holidays excepted.	..	12	28	..	.
Magistrates of full powers exercising criminal, civil, and revenue powers. Paid.	1	1,213	17,575	1	1	Full magisterial powers under section 36, Act X of 1872 and additional powers under section 26 of the same Act. Appellate criminal powers over all the courts in this district. Civil original jurisdiction without limit, and appellate civil powers over all the Courts in this district, under section 2 (*b*) of the Arakan Hills Civil Justice Regulation, 1874.	.	...	..		1	.	10,800 0 0	...		..	..		.	24	60		3

								Revenue, original and appellate powers as prescribed in the Arakan Hills District Laws Regulation, 1874																							
Sessions Judge. Paid	...	1	...	.	1	1	Powers of a Court of Sessions under section 15, Act X of 1872	...	..	1	.	.	37,253	10	3	...	11,809	8	2	.	.	..	.							
							Appellate jurisdiction and revenue over the chief court of district and Magistrate of the 1st class																								
							Powers of a High Court in civil matters under section 2 (c) of the Arakan Hills Civil Justice Regulation, 1874																								

* This Judge has been transferred to Akyab district during the year of report.

ABSTRACT.

One Extra Assistant Commissioner
" Deputy Commissioner.
" Commissioner

JUDICIAL STATEMENT 6—(Civil).

Statement showing the number and description of civil suits instituted in the Civil Courts of the Hill District of Arakan in the year 1880.

TRIBUNALS.	SUITS FOR MONEY, DISTINGUISHING SUITS UP TO Rs. 500 COGNIZABLE BY SMALL CAUSE COURTS FROM "OTHER CASES."																OTHER SUITS.												REMARKS.
	On written obligation.		*On unwritten obligation.*		*On account stated.*		*Money had and received.*		*Goods sold.*		*Breach of contract not mentioned above.*		*Rent not falling under the Rent Law.*		*Moveable property or value thereof.*		*Damages.*													
	Rs. 500 and under	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs. 500.	Rs. 500 and under.	Above Rs 500.	Rs. 500 and under.	Above Rs. 500.	Suits for immoveable property	Suits for specific performance of contract.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	
Moung Shway Nya, Magistrate of the 3rd class,	..	...	9	...	...	...	...	.	2	...	11	...	...	...	2	...	3	...	...	...	...	...	...	...	...	1	...	...	...	...	Total. 28
Major W. G 'Hughes, Deputy Commissioner ...	...	...	...	...	...	...	2	...	1	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	..	...	...	...	...	...	3
C. J. A. Duke, Esq., Deputy Commissioner ...	...	...	...	...	...	...	21	...	10	...	...	..	...	...	...	...	8	...	1	...	...	...	...	...	...	...	...	...	...	...	40
A. H. Hildebrand, Esq., Deputy Commissioner ..	...	...	...	...	...	...	5	.	3	...	1	...	..	...	...	...	7	...	1	...	.	...	...	...	...	...	...	...	...	...	17
Total ...	...	...	9	...	...	...	28	..	16	...	12	...	...	...	2	...	18	...	2	...	..	...	...	...	...	1	..	...	...	...	88

JUDICIAL STATEMENT 7—(CIVIL).

Statement showing value of suits disposed of in the Civil and Revenue Courts of the Hill District of Arakan in the year 1880.

VALUE OF SUITS.	NUMBER OF SUITS DISPOSED OF IN DIFFERENT COURTS.					TOTAL VALUE OF SUITS.	REMARKS.
	Village Courts.	Small Cause Courts.	Moonsiffs', Deputy Collectors', and other sub-divisional Courts.	District Courts.	Superior Courts.		
1	2	3	4	5	6	7	8
In Civil Courts.							
Rs.						Rs. A. P.	
Not exceeding 5	...	....	4	1	.....	15 10 0	
Ditto 20	.....	.....	8	21	....	412 13 3	
Ditto 100	.....	.....	15	30	..	2,356 3 0	
Ditto 500	.. .	...	1	8	...	1,405 0 0	
Ditto 1,000	...	.. ..	.	.. .	.. ...		
Ditto 5,000	.....	.....	..	... .	.	.	
Ditto 10,000	. ...	...	.. ..	..	.	.	
Ditto 1,00,000	.. ...	.....	.	.		.	
Exceeding 1,00,000		.....	.....	.	.. ..	.....	
Total ...	...	.....	28	60		4,189 10 3	

JUDICIAL STATEMENT 8—(CIVIL).

Statement showing the general result of the trial of civil suits in the Courts of original jurisdiction in the Hill District of Arakan in the year 1880.

CLASS OF COURT.	Suits remaining from last year.	Instituted in 1880.	Received by transfer.	Total for disposal.	Transferred to other Courts.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	CONTESTED.		Total disposed of.	Pending.	Over two months.	Over four months.	AVERAGE DURATION OF SUITS.		Referred to arbitration.	REMARKS
													Judgment for plaintiff in whole or part.	Judgment for defendant.					Contested.	Uncontested.		
																						Total.
Paid sub-divisional tribunals	...	28	...	28	...	...	3	...	3	10	...	...	10	2	28	...	...	...	3·64	3·31	...	
District Courts other than Chief Courts of district	...	60	...	60	...	...	1	2	5	21	3	...	2	1	60	...	...	...	2·33	1·15	25	
Total ...	...	88	...	88	...	...	4	2	8	31	3	...	12	3	88	...	...	...	2·98	2·23	25	

JUDICIAL STATEMENT 9—(CIVIL).

Statement showing the execution of the Decrees of the Civil and Revenue Courts in the Hill District of Arakan in the year 1880.—Blank.

JUDICIAL STATEMENT 10—(CIVIL).

Statement showing the business of the Civil and Revenue Appellate Courts of the Hill District of Arakan in the year 1880.

CLASS OF COURT.		Remaining.	Instituted.	Received by transfer.	Total.	Transferred.	Dismissed for default, or under 5 and 6, Act XXIII of 1861.	HEARD EX-PARTE.			CONTESTED.				Total disposed of.	Pending.	Over four months.	Objections under section 348, Act VIII of 1859.	Objections allowed.	REMARKS.
								Confirmed.	Modified.	Reversed.	Confirmed.	Modified.	Reversed.	Remanded.						
Civil Appellate Court other than Chief Court of District.																				
Collector's Appellate Court																				
Chief Appellate Court of District ...	Civil Appeals ...	...	3	...	3	...	...	...	...	...	1	2	...	...	3	...	...	...	...	
	Revenue do. ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Appellate Courts other than Chief Court of Province, each class of Court being specified ...																				
Chief Court of Province.	Regular appeal from Judge or Bench in original jurisdiction ...																			
	From District Courts																			
	Special Appeals ...																			
	Total ...	...	3	...	3	...	...	...	...	...	1	2	...	...	3	...	...	...	...	

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1881.

RANGOON :

PRINTED AT THE GOVERNMENT PRESS.

1882.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1881.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 10-3, dated the 28th June 1882.

READ—

Reports on the administration of civil justice in British Burma during the year 1881.

RESOLUTION.—As in previous years, the present report is divided into three parts, dealing respectively with—

(1) the Courts exercising jurisdiction in the town of Rangoon;
(2) the Court of the Judicial Commissioner and the Courts subordinate thereto;
(3) the Courts of the Arakan Hill Tracts districts under the supervision of the Commissioner of Arakan.

In the present review the statistics from the three parts will be amalgamated, and, where it is not otherwise expressly stated, the figures mentioned should be understood to refer to the whole province.

2. The tabular statements attached to the report are in the forms prescribed by the Government of India for the administration report of the province. The learned Recorder and the Judicial Commissioner were of opinion that it was unnecessary, for the present at least, to amplify these statements in any way for the departmental reports.

3. The total number of civil suits instituted during the year was 31,363. This was an increase on the number instituted in 1880, but was less than the average of the previous five years. The figure for 1880 was 31,011, and the average of the five years, 1876 to 1880, was 32,198. There was a decrease in the number of suits instituted in the Court of Small Causes at Rangoon. The office of the Second or Burman Judge was vacant throughout the year. A Native Extra Assistant Commissioner has, since the end of the year, been appointed to the post, and the Court has been re-opened after being closed for nearly two years. There was an increase in litigation in ten districts and a decrease in nine, but the variations were not great anywhere.

Total number of suits.

4. The total value of the suits instituted during the year was Rs. 46,18,276, giving an average value of Rs. 147 for each suit. The average value of each suit disposed of in 1880 was Rs. 107, and the average for the five years, 1876 to 1880, was Rs. 105. In 78

Value of litigation.

per cent. of the suits instituted in 1881 the value of the property in litigation was Rs. 100 or under.

Distribution of business.

5. Original civil business was distributed among the several Courts thus :—

Recorder's or High Court	182 cases.
District Courts	341 ,,
Small Cause Courts	7,049 ,,
Sub divisional and township Courts	23,791 ,,

Seventy-six per cent. of the original civil suits for the whole province were instituted in sub-divisional or township Courts, most of which are presided over by Burmese officers. Judging by the small number of appeals preferred it would seem that the decisions of these Courts afford general satisfaction to the people. It need hardly be said that the procedure of the Native Judges is not always in strict conformity with the law, but, in consequence of the constant supervision exercised by the Judicial Commissioner and under his orders by other authorities, the procedure of these Courts is gradually improving. It may be expected that now that the pay and prospects of Extra Assistant Commissioners and Myo-okes have been greatly improved, and that most of the recently appointed Judges are acquainted with English, the improvement will become more rapid. Myo-okes are now required to pass the same departmental examinations as Assistant Commissioners. The law libraries of many of the Subordinate Courts are still very imperfect. Translations of important Acts are often missing, having either been lost or never supplied, and there was no standard list of books with which al Courts were to be provided. Such a list has now been drawn up by the Judicial Commissioner; the work of translating the Acts and republishing such as are out of print is being pushed on; and the reproach that the Courts are not provided with copies of the laws which they are required to administer will, it is hoped, soon be removed.

Description of suits.

6. The statistics relating to the description of suits instituted during the year present no features of especial interest. The number of suits relating to immoveable property was 1,444 as compared with 1,844 in the previous year. There were 3,089 suits for damages and 1,017 suits for dissolution of marriage or enforcement of matrimonial rights. The number of suits for rent was 504 only, and of these more than half were instituted in Rangoon. The proportions which the several descriptions of suits bear to the whole litigation vary but little from year to year.

Duration of suits.

7. The returns indicate that original suits were disposed of with promptitude; indeed the Judicial Commissioner is of opinion that the average duration is sometimes unduly short owing to the illegal procedure adopted by some Courts of giving decrees *ex parte* without requiring any evidence whatever. The Judicial Commissioner and the Commissioners of divisions are doing what they can to put a stop to this illegal procedure. The average duration of original suits in the several classes of Courts was as follows:—

	Contested cases.	Uncontested cases.
Recorder's or High Court	77	85
Rangoon Small Cause Court	34	27
Courts under the supervision of the Judicial Commissioner	19	11

8. The total number of suits disposed of during the year was 31,047. Of these 184 were referred to arbitration. Of the remainder 12,020 were contested and 18,843 uncontested. Of the contested cases 7,907 ended in judgment for the plaintiff in whole or in part and 4,113 in judgment for the defendant. The proportion of contested cases was somewhat less than in the previous year, but was considerably higher than the usual rate in India.

Results of suits.

9. There were 7,952 applications for execution of decree. This was an increase on the figure of the previous year. The number of applications for execution has been gradually increasing since 1877, but the proportion of such applications to the total number of decrees passed is still much less than in most parts of India. In 3,037 cases, or 38 per cent. of the whole, nothing was realized in execution of the decree. Last year 36 per cent. of the applications were similarly infructuous. Processes issued for the imprisonment of 2,657 persons in execution of decree, but only 529 persons were actually committed to prison. Last year processes issued for the imprisonment of 1,212 persons only. The increase in the year of report is remarkable. The number of cases in which immoveable property was sold in execution of decree was 400, as compared with 500 and 561 in the two previous years.

Execution of decrees.

10. The total number of appeals disposed of was 1,765, as compared with 2,022 in the previous year. Of these 1,603 were disposed of by Deputy Commissioners, 136 by the Judicial Commissioner, 14 by Commissioners, and 12 by the Special Court. The total number of appeals preferred against original decrees was 1,732, or 14 per cent. of the total number of contested cases. The corresponding number for last year was 15 per cent. and the proportion for the whole of India in 1880 19 per cent. Second appeals were preferred in 200 cases, or against nearly 12 per cent. of the orders passed by the Lower Appellate Courts. In 61 per cent. of the appeals from original decrees the decree of the Lower Court was confirmed and in 25 per cent. it was reversed. These percentages are the same as last year. Of second appeals 26 per cent. were more or less successful as compared with 43 per cent. in the previous year. The average duration of appeals was 106 days in the Judicial Commissioner's Court, 30 days in the Commissioners' Courts, and 26 days in the Courts of the Deputy Commissioners.

Appellate business.

11. The number of insolvency cases instituted in the Recorder's Court was 31, as compared with 26 and 52 in the two previous years. There were 152 applications for a declaration of insolvency in Courts outside Rangoon as compared with 168 in 1880 and 135 in 1879. The number of such applications in the Small Cause Court, Rangoon, was 20. The number of persons adjudicated insolvent or granted their discharge was 108, the same as in the previous year.

Insolvency.

12. The Judicial Commissioner paid much attention to the subject of the costs of litigation in the course of the year. He found that in many Courts Advocates were systematically awarded much higher fees than the rules allow, and that in other ways the costs of litigation were unnecessarily enhanced. It is satisfactory that he is able to report that the repeated orders issued on the subject are now generally obeyed

Cost of litigation.

by the Courts. The Chief Commissioner is of opinion that much care is required to bring down the costs of litigation throughout the province. In order that general attention may be directed to the matter, he desires that future district and divisional civil justice annual reports should contain statements showing for every original and appellate Court—

(1) the total value in litigation ;

(2) the total costs for all classes of cases, including execution of decrees and other miscellaneous applications apparent from the record, divided under the sub-heads of—

(*a*) court fees including process-fees,

(*b*) process-fees,

(*c*) diet money to witnesses,

(*d*) advocates fees,

(*e*) fees for commissions and other miscellaneous charges.

The returns of the process-serving fees again show a considerable surplus. Last year a sum of Rs. 38,000 from this source was placed at the disposal of the Judicial Commissioner for expenditure at his discretion for the benefit and convenience of suitors. The Judicial Commissioner allotted a sum of money to each division for the erection of witness-sheds, but the report does not state the actual amount expended for this purpose or the number of witness-sheds erected. If further expenditure is required for analogous objects, for Court libraries, or for fittings, a further allotment can be made, on the Judicial Commissioner's application, out of the surplus process-fees of the past year.

Inspection of Courts.

13. The Judicial Commissioner exercised throughout the year a careful superintendence over the Subordinate Courts, many of which he inspected in person. Thirteen districts were visited by him in the course of the year, and much good work was done in the correction of mistakes and the instruction of the Subordinate Judges. The Chief Commissioner's thanks are due to Mr. Jardine for the reports forwarded by him on the efficiency or otherwise of the various officers whose Courts were inspected.

14. The Chief Commissioner desires to acknowledge the service rendered by both Mr. Wilkinson and Mr. Jardine in the administration of justice during the year 1881.

By order of the Chief Commissioner,

G. D. BURGESS,

Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1881.

PART I.

Courts exercising jurisdiction in the town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1881 there were seven appeals from the decision of the Judge of the Town of Moulmein, and eight were pending at the close of the year 1880, making in all 15 appeals for disposal. Of these 12 were disposed of and three were pending at the close of the year. In the previous year five appeals were filed and four disposed of.

2. The following is the comparative table showing results of the two past years :—

Year.	Number of appeals pending at the close of the previous year	Number of appeals instituted in the previous year.	Total for disposal.	Result.						
				Rejected.	Confirmed	Modified.	Reversed.	Compromised.	Struck off.	Pending.
1880	7	5	12		2	1	1	...	...	8
1881	8	7	15	2	5	1	2	1	1	3

3. There were four civil miscellaneous applications filed during the year, all of which were disposed of.

4. There was one original case referred by the Court of the Recorder of Rangoon to this Court for determination and disposal under section 76 of the Burma Courts Act (XVII of 1875), which was disposed of. The two references which were pending at the close of the previous year were also disposed of.

5. The revenue of the Court during the year from Court fee stamps amounted to Rs. 401-3-0 and the expenditure to Rs. 1,800. In the previous year the revenue was Rs. 943-2-0 and the expenditure Rs. 1,800.

6. The Judges of the Court throughout the year were Mr. C. J. Wilkinson and Mr. John Jardine.

C. J. WILKINSON,
JOHN JARDINE,
Judges of the Special Court, British Burma.

Rangoon :
The 22nd April 1882.

COURT OF THE RECORDER, RANGOON.

Report on the Administration of Civil Justice in the Courts of the Recorder and Small Causes, Rangoon, for the year 1881.

DURING the year 1881, 187 regular suits (including five matrimonial and five vice-admiralty), 31 insolvency, and 189 miscellaneous cases, or a total of 407 cases, were instituted, as against 195 regular (including one matrimonial and two vice-admiralty), 26 insolvency, and 232 miscellaneous, or 453 cases altogether, instituted inthe previous year, being a decrease of 11 regular and 43 miscellaneous, and an in crease of five insolvency cases, or a total decrease of 46 cases. There were pending at the close of the year 1880, 22 regular, two vice-admiralty, 15 insolvency, and four miscellaneous cases, thus making in all 450 cases for disposal, of which 178 regular, five matrimonial, seven vice-admiralty, 34 insolvency, and 186 miscellaneous were disposed of, as against 192 regular, one matrimonial, one vice-admiralty, 27 insolvency, and 233 miscellaneous cases in the previous year. At the close of the year under review there were 21 regular, 12 insolvency, and seven miscellaneous cases pending.

2. The total value of suits instituted during the year was Rs. 11,90,059; and the amount of Court fee stamps realized from regular suits, processes, probates, and letters-of-administration was Rs. 53,959; whilst the total value of suits disposed of was Rs. 8,38,871. In the previous year the value of suits instituted was Rs. 4,89,905, and the Court fee stamps amounted to Rs. 33,581, the value of suits disposed of having been Rs. 4,31,594.

3. The following tables show the above particulars in comparison with the year 1880:—

YEAR.	NUMBER OF SUITS INSTITUTED						NUMBER OF SUITS DISPOSED OF.						NUMBER OF SUITS PENDING.						Value of suits instituted	Value of suits disposed of
	Regular.	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Vice-admiralty.	Insolvency	Miscellaneous.	Total.	Regular	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.		
																			Rs.	Rs.
1880 ...	192	1	2	26	232	453	192	1	1	27	233	454	22		2	15	4	43	4,89,905	4,31,594
1881 ...	177	5	5	31	189	407	178	5	7	34	186	410	21	.	.	12	7	40	11,90,059	7,67,637
Increase ...	...	4	3	5	...	...	..	4	6	7	...	...	.		..	...	3	...	7,00,154	3,36,043
Decrease ...	15	.		..	43	46	14	...	...	..	47	44	1	.	2	3	...	3	...	.

Statement of Court fees realized.

Year.	Process fees.	Amount realized under Act VII of 1870, Schedule I, articles 1 to 9, inclusive.	Amount realized under the same Schedule, Nos. 10 to 12.	Amount realized under Schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1880	1,764 0 0	20,445 13 0	10,895 0 0	976 4 0	33,581 1 0
1881	1,485 4 0	25,539 4 0	25,813 0 0	1,121 15 0	53,959 7 0
Increase ...	.....	5,093 7 0	15,418 0 0	145 11 0	20,378 6 0
Decrease ...	278 12 0	.....	.....	.....	.....

4. There has been an increase in the value of suits instituted of Rs. 7,00,154 and in Court fee stamps of Rs. 20,378. The greater portion of the decrease in the total number of suits brought is accounted for in the miscellaneous proceedings which are termed suits, though they are for the most part applications of an *ex-parte* nature. The regular suits were only 15 less than the previous year; but it will be seen that they were of considerably greater value. Of the 183 regular and matrimonial cases disposed of, 88 were contested, 93 uncontested, and one was referred to the Special Court for its decision. The average duration of cases during the year was 77½ days for contested cases and 35½ days for uncontested cases; whereas in the previous year it was 62 days and 36 days respectively. This is accounted for by several suits having been laid up pending the execution of commissions, and the service of summonses having in many cases taken a long time owing to their having to be served in India.

5. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates, and indicates how greatly the classes who were excepted from the operation of the Succession Act appreciate the value of recent legislation which extends to them the benefits and advantages of that Act. *Probate* was granted of the will of one Mahomedan, the value of whose estate was Rs. 7,00,000, the executors preferring to pay Rs. 14,000 as Court fee stamps therefor rather than administer the estate under an unproved will.

Classes.	Number of probates granted.	Number of letters-of-administration granted.	Value of estate.
			Rs.
Europeans and Eurasians	4	5	3,10,100
Buddhists { Burmese	...	3	39,800
Buddhists { Chinese	1	...	80,000
Mahomedans	1	3	8,35,700
Hindus	...	5	13,900
Total ...	6	16	12,79,500

6. In the previous year there were nine probates and 19 letters-of-administration granted. The value of the estates was Rs. 4,79,443 and the Court fee stamps Rs. 10,395, being Rs. 15,418 less than the year under review.

7. During the year there was one appeal preferred from the decree of this Court to the High Court, which is still pending. As regards the three appeals pending at the close of the previous year, two have been compromised, the parties preferring to settle their differences out of Court rather than wait the decision of the appeal. The result of the remaining one is not yet known. One reference was made to the Special Court under section 76 of the Burma Courts Act, in which the question raised was whether a Chinaman domiciled in China, but who had lived in this country for many years and carried on an extensive business, acquiring moveable and immoveable property here and having married a Burmese wife according to the rites and ceremonies observed by Buddhists in this country, he being also a Buddhist, could dispose of his property by will, a will being unknown or unrecognized by the Burmese Buddhist law; or whether the wife acquired by reason of her marriage with him the same rights in his property as a Burmese woman does according to Burmese law when she marries a Burman Buddhist.

8. There were two applications filed for review of judgment: one was granted, and the other remained undisposed of at the close of the year. There was also one application for a new trial, which was refused.

Vice-Admiralty Jurisdiction.

9. There were five suits filed under this jurisdiction during the year, the value of which was Rs. 7,123-14-3 (already included in value of suits): they were disposed of during the year. In the previous year there were two cases of the aggregate value of Rs. 15,464, which were also disposed of in the year under review.

Insolvency Jurisdiction.

10. There were 31 petitions presented by 35 persons during the year for the benefit of the Insolvent Act in Rangoon, Moulmein, Akyab, and Bassein; and the petitions of 15 persons were pending at the close of the previous year.

11. The following table shows the particulars of the insolvency cases:—

Town.	Number of persons whose applications were pending at the close of 1880.	Number of petitions filed during 1881.	Number of persons.	Total number of persons.	Result.							
					Personal discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn with leave.	Struck off in default.	Final discharge granted.	Pending.
Rangoon ...	8	22	26	34	18	5	...	1	2	4	1	8
Moulmein ...	2	5	5	7	2	...	1	...	...	1	...	3
Akyab ...	6	3	3	9	2	...	3	...	...	1	...	3
Bassein ...	...	1	1	1	...	...	...	...	...	...	...	1
Total ...	16	31	35	51	17	5	4	1	2	6	1	15

In the previous year there were 26 petitions presented by 27 persons. During the year the Recorder visited Moulmein twice, Akyab twice, and Bassein once.

12. The total revenue of the Court during the year was Rs. 54,215, and the expenditure was Rs. 46,999. The following statement gives in detail the receipts and expenditure :—

Receipts.	Rs.	A.	P.	Expenditure.	Rs.	A.	P.
Amount realized by Court fee stamps...	53,959	7	0	Recorder's salary	31,090	15	6
Amount realized by fines ...	252	0	0	Establishment	12,369	6	9
Ditto by sale of empty stationery cases ...	3	11	0	Process-serving establishment, being one-third of bailiff's salary, one-third of head peon's salary, and two peons, the remainder being charged to the Small Cause Court	1,168	0	0
				Contingencies	1,325	9	0
				Expenses of witnesses in criminal cases	106	0	0
				Travelling allowances	940	0	4
				Balance of receipts over expenditure...	7,215	2	5
Total ...	54,215	2	0	Total ...	54,215	2	0

Note—The salary of the Chinese interpreter is not included in the expenditure, he being chiefly engaged in the Magistrate's Court.

In the previous year the revenue was Rs. 33,684 and the expenditure Rs. 52,176.

COURT OF SMALL CAUSES, RANGOON.

13. During the year there were instituted in the First Judge's Court 3,467 regular and 2,114 miscellaneous, or in all 5,581 suits, against 5,737 in the previous year, including those instituted in the Second Judge's Court during three months, being a decrease of 156 suits of all kinds. There was, however, an increase of 35 regular suits, the decrease, 191, being in the miscellaneous cases. The Second Judge's Court was closed on the 1st April 1880.

14. The total value of suits instituted in the First Judge's Court was Rs. 3,22,787-5-0, as against Rs. 2,98,603 in the year 1880 in both Courts, being an increase in the value of the regular suits to the extent of Rs. 24,184. The average value of each suit was Rs. 93, against Rs. 89 in the previous year.

15. In the First Judge's Court 3,477 regular and 2,118 miscellaneous suits, or 5,595 suits of all kinds, were disposed of, as against 2,963 regular and 2,056 miscellaneous, or 5,019 suits of all kinds in the previous year. Besides these 384 regular and 248 miscellaneous cases were disposed of by the Second Judge. There were pending at the close of the year 208 regular and 51 miscellaneous suits, or 259 in all.

16. The number of cases decided after contest was 1,064, with an average duration of 34·36 days. The number of uncontested cases was 2,413, and their average duration was 26·78 days, as against 27¼ and 19¾ days respectively in the previous year. Mr. Lingham remarks that he cannot ascribe the increased average duration to any want of energy or lack of industry on his part, but that it is owing to the imperfect manner the suits are brought before him ; and I am satisfied that the First Judge has disposed of the heavy work of the last year with the care and thoroughness which I have always found have characterized the administration of justice by him.

17. The number of suits dismissed on default increased from 630 to 747 in the year under review and those compromised from 185 to 225. Those

decreed by confession were two less than in the previous year; and cases decided *ex-parte* were 1,062, as against 1,049 in 1880. Mr. Lingham remarks that in nearly all the cases dismissed on default the parties appear to have settled their claims out of Court, but neither side took the trouble to inform the Court.

18. The following statement shows the particulars of the miscellaneous suits other than applications for execution of decree :—

Nature of applications.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Pending at the close of the year.
Reference to High Court	...	...	...	...	...	...	...	...
For removal of attachment	3	21	24	12	11	...	...	1
To sue in *formâ pauperis*	...	19	19	6	12	...	...	1
For new trial	...	13	13	3	9	...	...	1
To set aside *ex-parte* decree	...	11	11	7	4	...	...	...
For review of judgment	...	2	2	...	2	...	...	...
Commissions from other Courts to examine witnesses	...	21	21	...	...	9	11	1
Processes from other Courts for service by this Court	3	489	492	...	...	144	347	1
Applications to call on defendants to furnish security under Chapter XXXIV of the Code of Civil Procedure	...	96	96	43	53	...	...	...
Other applications	23	263	286	168	106	...	...	12
Total ...	29	985	964	239	197	153	358	17

19. During the year there were only 20 applications to be declared insolvents under the Civil Procedure Code. Of these 7 were withdrawn, 6 obtained their discharge, 5 were rejected, and 2 left pending at the close of the year. Two hundred and forty-seven persons were brought up under arrest in execution of decrees, of whom only 102 were imprisoned; and the average duration of their imprisonment was 40·22 days.

20. The following table shows the receipts and expenditure during the year, from which it will be seen that there was a surplus of Rs. 9,101 :—

Receipts.	Amount.	Expenditure.	Amount.	Total.
First Judge's Court.	Rs. A. P.	*First Judge's Court.*	Rs. A. P.	Rs. A. P.
Amount realized by stamps	27,254 8 0	Judge's pay	.. ..	12,000 0 0
Tullubana fund collected in cash ...	4,528 10 0	Establishment	5,656 2 4	
Fines	12 8 0	Contingencies	720 2 0	
By sale of unserviceable furniture ...	5 4 0	Two-thirds share of the bailiff's pay, two-thirds share of the head peon's pay, and pay of eight peons of the bailiff's establishment debited to this Court by direction of the Recorder of Rangoon ...	.....	6,376 4 4
By sale of empty stationery cases ...	0 2 0			2,912 0 0
General.		*Second Judge's Court.*		
Amount of interpreter's fee realized during the year	1,888 8 0	Judge's pay	.....	.. ..
		Establishment	.....	1,411 9 10
		General.		
		Interpreters during the year ...	.....	1,888 8 0
		Balance of receipts over expenditure	.....	9,101 1 10
Total ...	33,689 8 0	Total ...	.. ..	33,689 8 0

RECORDER'S COURT:
The 5th April 1882.

C. J. WILKINSON,
Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From J. JARDINE, Esq., C.S., Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 518-1, dated the 24th April 1882.

I HAVE the honour to submit the Annual Report on the administration of Civil Justice in British Burma (exclusive of the jurisdiction of the Recorder of Rangoon) for the year 1881, together with the statistical returns in the new forms.

2. For the first eighteen days of January Mr. R. J. Crosthwaite, C.S., officiated as Judicial Commissioner, and for the remainder of the year I held the office.

3. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year :—

Division.	District.	Instituted.		Disposed of.		Pending at close of year.			
						Above four months.		*Total pending.*	
		1880.	1881.	1880.	1881.	1880.	1881.	1880.	1881.
ARAKAN.	Akyab	1,299	1,430	1,298	1,425	...	2	30	44
	Akyab Small Cause Court ...	433	508	426	515	...	...	9	2
	Kyoukpyoo	603	580	610	578	...	...	2	4
	Sandoway	237	320	236	320	...	...	1	1
	Total ...	2,512	2,838	2,510	2,838	..	2	51	51
PEGU.	Hanthawaddy	2,764	2,576	2,751	2,565	...	...	37	48
	Tharrawaddy	2,103	2,174	2,104	2,144	1	2	28	58
	Prome	2,101	2,208	2,101	2,187*	...	...	31	52
	Total ...	6,968	6,958	6,956	6,896	1	2	96	158
IRRAWADDY.	Henzada	2,452	2,309	2,436	2,311	..	...	41	99
	Bassein	3,746	3,615	3,845	3,549	2	2	68	134
	Bassein Small Cause Court ...	311	229	309	232	...	...	3	.
	Thonegwa	2,749	2,916	2,739	2,936	...	...	61	41
	Thayetmyo	867	920	860	911	...	1	25	34
	Thayetmyo Small Cause Court, Assistant Judge	72	74	64	74	..	...	8	8
	Thayetmyo Small Cause Court, Judge	4	2	5	2	...	...	...	...
	Total ...	10,201	10,125	10,258	10,015	2	3	206	316
TENASSERIM.	Amherst	1,579	1,658	1,547	1,675	...	...	48	31
	Shwaygyin	1,256	1,097	1,264	1,104	...	...	39	30
	Shwaygyin Small Cause Court ...		211		202		...		9
	Toungoo	1,072	742	1,080	733	...	...	2	11
	Toungoo Small Cause Courts ...		301		300		.		1
	Tavoy	554	540	544	545	...	...	10	5
	Mergui	556	640	553	605	...	5	6	41
	Salween	41	37	40	38	...	...	2†	
	Moulmein Judge's Court ...	134	130	130	134	9	8	20	25
	Moulmein Small Cause Side ...	2,569	2,257	2,488	2,261	4	2	152	148
	Total ...	7,761	7,620	7,646	7,597	13	15	279	301
	Total ...	27,442	27,541	27,370	27,346	16	22	632	826
	Increase ...	.....	99	.....	.....	...	6	...	195
	Decrease ...	.....	.....	.....	24	..	...	.	..

* Including five cases which were lost in the burning of the Court-house at Poungdeh.
† Should have been one and not two pending

Increase and decrease in the different districts during the year :—

District.	Increase.		Decrease.	
	Instituted.	Disposed of.	Instituted.	Disposed of.
Akyab	266	276	...	...
Kyoukpyoo	...	...	23	32
Sandoway	83	84	...	...
Hanthawaddy	...	...	188	186
Thonegwa	167	197	...	...
Bassein	...	...	213	378
Henzada	...	...	83	125
Tharrawaddy	71	40	...	...
Prome	107	86	...	...
Thayetmyo	58	58	...	...
Amherst	79	128	...	...
Shwaygyin	50	42	...	...
Toungoo	...	...	29	47
Tavoy	...	1	14	...
Mergui	84	52	...	...
Salween	...	...	4	2
Moulmein	...	...	307	223

The increase in Akyab district was at Kaladan and Oorittoung West, and was caused by increase of trade following better communications, most of the suits being for goods and on obligations. The same cause added to a better harvest accounts for the increase in Sandoway. In Thonegwa the number is nearly that of 1879; and the increase in Prome is a recovery from the decrease of 1880. That decrease was said to have been caused by losses in lotteries; but in 1881 the lotteries have continued and there has been an increase. In Tharrawaddy there was an increase of 116 at Gyobingouk, which is becoming a seat of a brisk trade. In Shwaygyin a Small Cause Court has been opened, which is said to be a great boon to the people and accounts for the increase there. The variations in other districts, so far as explained, do not require notice here.

Of the pending suits, 83 were in the Court of the Extra Assistant Commissioner, Henzada, Moung Shway Yin, who got into very bad health and has since died; 42 remained in the Bassein Sitkeh's Court, because that Judge was called to Rangoon to meet the Viceroy; and 26, arrears at Thaboung in the same district, are due to the Extra Assistant Commissioner having fever. The Court of the Moulmein Judge had to be closed on the 21st December, being unsafe and requiring repairs, otherwise a number of the 52 suits fixed for that and following dates would have been decided. Repeated orders have been issued as to proper notice to defendants and the taking evidence of the claim in *ex-parte* cases, and these corrections of procedure tend to lengthen trials and add to the number pending.

4. The following table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	District.	Number of suits: On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Arakan.	Akyab ...	346	233	28	29	79	150	30	269	99	65	3	49	50	1,430
	Akyab Small Cause Court	156	132	..	..	82	53	10	70	5	...	...	...	.	508
	Kyoukpyoo .. .	53	35	1	69	57	11	3	77	76	89	...	29	82	582*
	Sandoway	41	21	6	29	21	3	5	53	55	36	..	6	44	320
	Total ...	596	421	35	127	239	217	48	469	235	190	3	84	176	2,840
Pegu.	Hanthawaddy ...	729	728	36	25	460	130	16	246	159	49	12	66	17	2,613†
	Tharrawaddy	137	253	1	171	277	46	5	284	688	183	..	84	45	2,174
	Prome	201	265	30	58	485	173	52	79	392	180	30	157	106	2,208
	Total ...	1,067	1,246	67	254	1,162	349	73	609	1,239	412	42	307	168	6,995
Irrawaddy.	Henzada	241	300	8	122	249	90	13	310	664	191	2	93	86	2,369
	Bassein . ..	491	569	9	251	579	260	20	454	667	118	...	175	22	3,615
	Bassein Small Cause Court	18	48	..	2	108	49	...	4	...	...	...	...	..	229
	Thonegwa	467	640	85	156	392	364	7	203	405	95	1	77	24	2,916
	Thayetmyo	114	112	8	47	95	132	16	110	183	40	...	38	25	920
	Thayetmyo Small Cause Court, Assistant Judge	12	19	...	..	43	...	...	...	...	...	..	...	...	74
	Thayetmyo Small Cause Court, Judge... ...	...	1	...	...	1	...	...	...	...	...	...	...	...	2
	Total ...	1,343	1,689	110	578	1,467	895	56	1,081	1,919	444	3	383	157	10,125
Tenasserim.	Amherst	449	402	23	161	139	49	20	200	91	57	1	89	27	1,658
	Shwaygyin	219	302	24	85	101	17	...	82	94	22	2	45	12	1,095
	Shwaygyin Small Cause Court	53	35	...	..	85	...	...	4	34	...	...	...	.	211
	Toungoo	101	104	4	16	129	23	9	84	47	59	...	60	106	742
	Toungoo Small Cause Courts	70	34	4	1	71	39	4	30	2	...	...	...	46	301
	Tavoy	90	86	4	5	87	23	12	88	42	85	...	14	4	540
	Mergui	282	58	...	12	124	46	6	24	48	9	...	30	1	640
	Salween	9	4	...	1	9	11	1	...	3	...	...	.	.	37
	Moulmein Judge's Court	60	4	2	...	1	.	...	1	3	8	...	11	49	139
	Moulmein Small Cause Side	1,257	151	42	77	302	174	18	72	27	...	...	...	137	2,257
	Total ...	2,589	1,180	103	358	1,138	382	70	585	391	240	3	199	382	7,020
	Total B. B. ..	5,595	4,536	315	1,317	4,006	1,843	247	2,744	3,784	1,286	51	973	883	27,580
	In 1880 ...	5,354	4,364	396	1,249	3,673	2,275	215	2,725	4,001	1,670	70	1,043	440	27,475
	Increase ...	241	172	.	68	333	...	32	19	. .	. .	...	...	443	105
	Decrease ...	...	...	81	...	...	432	...	...	217	384	19	70	...	...

There has been an increase of 241 suits on written obligation, chiefly in Hanthawaddy and Amherst, and an unexplained decrease in Toungoo on account stated from 132 to 8. There were 3,784 suits (of which 688 were in Tharraaddy) for damages, being 217 fewer. In 1877 the number was only 3,483. In Shwaygyin there were in 1881 128 such suits, against 67 in 1880, and in Mergui 48, against 29. These increases are notable, as the tendency of our circulated judgments has been steadily to discourage inordinate claims on account of petty assaults or trivial abuse. Such claims are still common, and till lately heavy damages used to be awarded, but, so far as I have observed, the Native Judges are now learning to award only fair and reasonable amounts. Matrimonial suits have decreased by 70 in 1881, but in 1880 they had increased by 71; in 1877 the number was 884; in 1881 973. I have issued a circular explaining that the Court fee must include a fee charged on the value of any property claimed, as well as the usual fee of Rs. 10 charged on a mere matrimonial claim.

The real number of suits affecting immoveable property is 1,395, against 1,770 in 1880, the total being that of columns 20 and 23 of statement 7, "Civil." In the above table the latter item is included in other suits. The decrease is 375. It occurred in Hanthawaddy and Tharrawaddy, where it is attributed to the progress of the settlement: in the Thehgone and other Courts of Prome and in

* Includes two pending from last year. † Includes 37 pending from last year.

the Akyab district. From cases coming before me I am of opinion that the increased value of land near the railway caused many doubtful claims on old oral mortgages to be raised, and perhaps such claimants are finding out that their suits are not likely to succeed. The increase of 16 at Moulmein is caused by the new form of action taken by mortgagees who sue for foreclosure instead of for the money.

5. The value of original suits was as follows :—

Division.	District.	Number of suits disposed of valued at not exceeding								Total value of suits.
		Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.	Above Rs. 1,00,000
										Rs. A. P
Arakan.	Akyab	117	274	611	337	33	26	..	4	.. 2,71,727 3 9
	Akyab Small Cause Court ..	64	166	285	..	..	..	..	..	.. 16,718 4 1
	Kyoukpyoo	107	147	276	29	4	1	..	..	.. 25,097 7 8
	Sandoway	59	105	122	24	..	..	..	..	.. 10,118 13 11
	Total ..	347	692	1,294	390	37	27	..	4	.. 3,23,661 13 5
Pegu.	Hanthawaddy	51	470	1,262	692	52	36	1	1	.. 3,54,441 13 9
	Tharrawaddy	197	499	1,114	230	8	1	..	..	.. 1,57,646 1 10
	Prome	282	586	1,045	242	18	8	1	..	.. 1,33,396 13 9
	Total ..	530	1,555	3,421	1,164	78	45	2	1	.. 6,45,484 13 4
Irawaddy.	Henzada	162	514	1,173	373	7	1	..	..	.. 1,32,114 13 5
	Bassein	178	849	1,596	716	38	16	..	..	.. 3,03,577 3 7
	Bassein Small Cause Court ..	167	65	..	..	..	..	..	..	.. 2,099 1 6
	Thonegwa	172	604	1,476	578	22	2	..	..	.. 2,17,350 0 2
	Thayetmyo	94	198	446	118	10	3	..	..	.. 60,459 13 7
	Thayetmyo Small Cause Court, Assistant Judge ..	7	33	34	..	..	..	..	..	.. 1,672 9 3
	Thayetmyo Small Cause Court, Judge	..	..	1	1	..	..	..	..	.. 204 3 5
	Total ..	780	2,263	4,726	1,786	77	22	..	..	.. 7,17,477 12 11
Tenasserim.	Amherst	121	470	703	330	16	11	..	2	1 3,43,736 8 7
	Shwaygyin	85	229	537	201	13	3	1	..	.. 93,631 12 8
	Shwaygyin Small Cause Court	25	75	89	..	..	..	..	..	.. 4,131 6 5
	Toungoo	77	192	250	125	7	6	1	..	.. 61,755 11 5
	Toungoo Small Cause Courts	45	114	141	..	..	..	..	..	.. 8,585 6 9
	Tavoy	51	157	256	70	9	..	..	..	.. 34,254 6 1
	Mergui	30	161	340	71	2	..	..	..	.. 30,405 0 0
	Salween	3	6	17	10	2	..	..	..	.. 4,018 0 6
	Moulmein Judge's Court ..	..	..	5	30	15	61	5	5	.. 2,53,726 3 0
	Moulmein Small Cause Side..	73	589	1,083	464	52	..	..	..	.. 1,99,209 11 0
	Total ..	510	1,998	3,421	1,301	116	81	7	7	1 10,33,454 2 5
	Total ..	2,167	6,503	12,862	4,641	308	175	9	12	1 27,20,078 10 1
	In 1880 ..	1,959	6,247	13,649	4,623	373	181	11	9	.. 25,54,920 9 5
	Increase ..	208	256	..	18	..	..	..	3	1 1,65,158 0 8
	Decrease ..	..	..	787	..	65	6	2	..	.. ....

The total value of suits disposed of in 1881 increased by Rs. 1,65,158, a fact of more importance, as apparently the number of frivolous suits has diminished, and the old and (except in Arakan) very general practices of decreeing *ex-parte* claims without taking evidence of the claim or making much inquiry about the service of the summons have been stopped in many Courts. The figures of a series of years will make the increase of judicial business more apparent. The total value was—

	Rs.
In 1876	19,05,546
1877	22,09,070
1878	25,17,041
1879	28,77,440
1880	25,54,920
1881	27,20,078

In 1881 there was an increase of Rs. 86,393 in the Akyab District Court, four suits being each above Rs. 10,000 in value. In Amherst district the increase was

Rs. 1,86,903, of which increase as much as Rs. 1,65,486 occurred in the Deputy Commissioner's Court, where one suit was brought for Rs. 1,58,890. There was a decrease of value of suits disposed of, amounting to Rs. 1,54,237, in the Court of the Town Judge of Moulmein. But the suits filed in 1881 were valued at Rs. 8,09,925, against Rs. 5,86,725, being an increase of Rs. 2,29,200 and due to two timber suits for Rs. 2,38,190 and Rs. 92,280. In the Moulmein Court the value of suits instituted was in 1873 Rs. 3,57,859 and in 1881 Rs. 8,09,925. These figures include both the Superior and Small Cause sides. The number of suits in these was in 1873 two hundred and eighty-three and 2,705 and in 1881 one hundred and thirty-nine and 2,257. The value of suits instituted in the Moulmein Court in 1881 is more by Rs. 21,417 than the total value of suits instituted in the Court of the Recorder of Rangoon and the Rangoon Small Cause Court together in 1880. The value disposed of was Rs. 4,52,935, which is more by Rs. 21,341 than the value disposed of in 1880 by the Recorder of Rangoon.

There were 197 suits over Rs. 1,000 disposed of in 1881, against 201 in 1880 and 185 in 1877.

The number of suits disposed of not exceeding Rs. 100 of all values was 21,532, being 79 per cent. of the total number of suits disposed of. In 1880 the percentage was 80, in 1879 eighty-one, and in 1877 eighty-three.

The number of suits disposed of not exceeding Rs. 500 of all values was 26,173, being 96 per cent.

6. The manner in which the litigation was disposed of in the several Courts is shown below:—

Division.	District.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases. Judgment for plaintiff in whole or in part	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Aba-kan.	Akyab	1,409	...	10	294	19	150	161	228	2	881	169	1,425	44	5
	Akyab Small Cause Court ..	517	1	...	163	6	16	46	120	...	111	52	515	2	...
	Kyoukpyoo ...	582	1	1	88	4	100	58	41	2	187	96	578	4	.
	Sandoway	321	1	.	49	2	51	34	13	..	118	52	320	1	..
	Total ...	2,889	3	11	594	31	323	299	402	4	797	369	2,838	51	5
Pegu.	Hanthawaddy	2,613	..	9	617	16	248	386	570	...	477	220	2,505	48	22
	Tharrawady	2,202	25	1	427	29	224	239	238	11	654	300	2,144	58	6
	Prome	2,234*	14	...	525	15	113	204	234	32	672	372	2,162	52	1
	Total ...	7,049	39	10	1,569	60	585	829	1,032	43	1,803	892	6,801	158	29
Irrawaddy.	Henzada	2,410	2	...	515	73	195	244	200	10	676	388	2,311	99	8
	Bassein...	3,683	16	...	743	33	237	239	807	8	900	496	3,549	134	10
	Bassein Small Cause Court..	232	...	...	40	...	4	32	86	...	57	13	232	..	.
	Thonegwa	2,977	...	3	733	17	247	246	600	2	697	380	2,936	41	11
	Thayetmyo	945	2	1	172	...	118	74	95	...	300	145	911	34	4
	Thayetmyo Small Cause Court, Assistant Judge ..	82	...	...	13	2	...	26	18	...	5	10	74	8	...
	Thayetmyo Small Cause Court, Judge	2	...	...	...	...	...	...	...	...	2	..	2	...	...
	Total ...	10,331	20	4	2,216	125	801	861	1,806	20	2,697	1,432	10,015	316	33
Tenasserim.	Amherst	1,706	14	1	267	44	95	246	292	26	457	230	1,675	31	3
	Shwaygyin ...	1,134	6	3	172	16	130	237	148	9	239	126	1,104	30	18
	Shwaygyin Small Cause Court	211	...	2	27	...	2	41	27	3	74	26	202	9	..
	Toungoo	744	1	...	85	2	41	139	70	3	267	125	733	11	...
	Toungoo Small Cause Courts	301	1	...	49	...	5	87	44	...	66	28	300	1	...
	Tavoy	550	...	5	47	6	8	108	32	1	246	92	545	5	...
	Mergui	646	1	...	73	18	3	186	152	...	122	50	605	41	...
	Salween	38	...	...	...	8	2	6	...	2	12	8	38	..	..
	Moulmein Judge's Court ..	159	...	4	3	1	13	15	30	...	54	13	134	25	1
	Moulmein Small Cause Side.	2,409	1	38	364	14	130	141	925	7	431	180	2,261	148	12
	Total ...	7,808	24	53	1,087	109	438	1,206	1,720	51	1,968	887	7,597	301	34
	Total ...	28,107	86	78	5,466	325	2,147	3,195	4,960	118	7,265	3,580	27,341	826	101
	In 1880 ...	28,002	82	146	4,992	355	2,055	3,000	4,839	106	7,598	4,049	27,370	632	88

Of the 27,341 suits disposed of the percentage contested was 40, in 1880 it was 42·5, and in 1879 forty-two. The 4,960 decreed *ex-parte* are 18 per cent. of the total

* Excluding five cases which were lost in the burning of the Court-house at Poungdeh.

disposed of; in 1880 the percentage was 17·68. The 5,466 dismissed for default are 20 per cent. of the total disposed of. In 1880 the percentage was 18. References to arbitrations have increased from 88 to 101. A very great many disputes are settled by arbitrators in the villages without going to Court at all, and according to Mr. Davis the Karens in the Salween Hill Tracts file suits more with a view to get a submission to arbitration than to get a decree.

I am not aware that the proportion of cases decreed *ex-parte* is very high; it varies in different divisions and in different Courts. In Arakan it is 14 per cent., in Pegu 16, Irrawaddy 18, and Tenasserim 23, in the Prome and Tharrawaddy districts 11, and in the Moulmein Court 40. But until the year under report the meaning of section 100 of the Procedure Code was not understood. In a circular, which I issued after an inspection of many Courts in the Thonegwa, Bassein, and Henzada districts, I had to remark as follows:—

"The short duration of cases in British Burma is undoubtedly due in many instances to the illegal procedure of giving decrees *ex-parte* without any evidence whatever.

"This evil is aggravated by a common practice of passing a decree against defendant, even when the Court knows that he was not at home when the serving peon came to his house. Any reasonable Judge would suppose that the defendant may be absent at some other town and would take some trouble to find out if the defendant had got notice of the suit in sufficient time. In one case the marriage bond was dissolved on the peon stating that the defendant was not found and that the summons had been pasted on his house. Our procedure may become very injurious to social morals if it is used in this careless and unjust manner.

"It is only when the other means of service fail that the fixing of the copy of the summons on defendant's dwelling-house is sufficient, and the Court should make some inquiry into the circumstances stated in section 80. In most cases, if the defendant cannot be personally served, some adult male member of his family residing with him can be found. Again the returns should show that the house on which the summons is stuck up is the defendant's actual dwelling-house.

"These precautions are necessary because in many instances the Courts do not allow sufficient time. The meaning of sufficient time is stated in section 69."

In one of the Courts of the Amherst district a decree was knowingly given against a dead person sued as defendant; and in another the decree was given against defendant because he did not file a written statement and without any evidence of the claim. The procedure of the Syriam and Angyee Courts in the Hanthawaddy district was brought under notice last year as will be seen from paragraph 6 of my last report. In 1881 I called for and examined 34 *ex-parte* cases from Angyee. In 28 of the 34 the Judge decreed the claim without any evidence whatever. In three suits there was no testimony about due service of summons. In 35 out of 41 *ex-parte* cases decreed at the Syriam Court there was no evidence to prove the claim, and in three there was no proof of service.

It is obvious that such loose procedure tends to encourage fraudulent or extortionate claims, and I am able to report that the Commissioners of divisions in their inspection tours are doing what they can to stop the objectionable system. While its illegality and dangerous tendency are to be condemned, I am not aware of many complaints of actual injustice occurring. The number of applications to re-open *ex-parte* cases is small, being, *e.g.*, in the Bassein district only eight out of above 800. The explanation given by Colonel Munro, Deputy Commissioner of Bassein, whose experience is very great, appears to me reasonably to account for the small number of contested cases. He writes:—"The reason for cases being "dismissed for default is that the parties have come to some mutual arrangement "and have not taken the trouble to come to have it recorded in the Courts; and in "*ex-parte* cases that the defendant generally does not wish to contest a claim which "he knows to be just." Mr. Hodgkinson, Colonel Pemberton, and Colonel Plant express the same opinion as to dismissals for default, and so do other officers.

7. The average duration of suits in Courts of original jurisdiction was as follows :—

Division.	District.	Average duration of suits			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	22·8	29 8	21·72	8·40
	Akyab Small Cause Court	6·	7·	7·	9·
	Kyoukpyoo	11·	10·6	15·93	9·86
	Sandoway	16·42	9 03	21·03	8·94
Pegu.	Hanthawaddy	22·	8·	12·53	9·40
	Tharrawaddy	18·70	9·60	22·75	15·20
	Prome	13·	8·	15·75	8·11
Irrawaddy.	Henzada	13·	8·	12·32	7·63
	Bassein	17·47	13 90	22·38	15·09
	Bassein Small Cause Court	5·	4·	7·	15·
	Thonegwa	18·62	12·12	16·90	11·
	Thayetmyo	15·58	11·11	18·66	9·66
	Thayetmyo Small Cause Court, Assistant Judge ...	17·4	12·6	25·	21·
	Thayetmyo Small Cause Court, Judge	4·	...	7·	...
Tenasserim.	Amherst	19·	11·	22·	11·
	Shwaygyin	15·17	11·9	21·85	12·14
	Shwaygyin Small Cause Court			14·	10·
	Toungoo	22·	2·5	13·42	5·78
	Toungoo Small Cause Courts			7·50	6·
	Tavoy	29·	4·	14·	6·
	Mergui	12·	6·7	19·50	6·83
	Salween	2·	1·	12·	7·
	Moulmein Judge's Court	51·	25·	73·	35·
	Moulmein Small Cause Side	16·	14·	30·	18·
	Total ...	17·	10·	19·	11·

The average durations have somewhat increased, but the periods are not excessive.

8. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	District.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	465	179	62	25
	Akyab Small Cause Court	166	40	12	7
	Kyoukpyoo	121	70	16	4
	Sandoway	54	32	6	1
	Total ...	806	321	96	37
Pegu.	Hanthawaddy	577	183	64	51
	Tharrawaddy	340	253	32	17
	Prome	344	199	53	24
	Total ...	1,261	635	149	92
Irrawaddy.	Henzada	328	202	54	32
	Bassein	380	265	152	26
	Bassein Small Cause Court	48	11	6	3
	Thonegwa	507	173	85	22
	Thayetmyo	134	71	45	8
	Thayetmyo Small Cause Court, Assistant Judge	9	9	...	...
	Thayetmyo Small Cause Court, Judge	...	...	...	...
	Total ...	1,906	731	342	91
Tenasserim.	Amherst	637	327	182	49
	Shwaygyin	272	143	77	24
	Shwaygyin Small Cause Court	47	47	...	...
	Toungoo	174	66	89	9
	Toungoo Small Cause Courts	56	15	23	1
	Tavoy	119	53	45	2
	Mergui	123	72	47	4
	Salween	8	3	...	...
	Moulmein Judge's Court	165	11	53	25
	Moulmein Small Cause Side	1,150	182	278	61
	Total ...	2,751	919	739	175
	Total ...	6,724	2,606	1,326	395
	In 1880 ...	6,588	2,624	1,339	318

The decrees completely executed are 38·75 per cent. of the applications; in 1880 they were 39·83. The number of decrees passed in original suits in 1881 was 19,020. Since 1877 the number of applications has increased, though slowly, in proportion to the number of original decrees.

9. Processes of execution were issued as follows:—

Division.	District.	Mode of execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	*Moveable property*		*Immoveable property*		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	10	18	210	46	139	82	...
	Akyab Small Cause Court	...	9	21	2	...	...	...
	Kyoukpyoo	9	4	28	18	14	5	...
	Sandoway	7	8	26	7	16	4	...
	Total ...	26	34	285	68	169	41	...
Pegu.	Hanthawaddy	1	24	246	51	166	44	...
	Tharrawaddy	6	14	136	42	82	31	...
	Promo	13	9	187	56	71	31	...
	Total ...	20	47	519	149	319	106	...
Irrawaddy.	Henzada	48	27	185	35	55	11	...
	Bassein	19	102	421	118	138	40	...
	Bassein Small Cause Court	...	11	9	1	..	...	...
	Thonegwa	13	29	201	57	136	38	...
	Thayetmyo	4	30	66	15	48	20	...
	Thayetmyo Small Cause Court, Assistant Judge	...	...	5	2	..	...	...
	Thayetmyo Small Cause Court, Judge ...	...	...	...	...	...	...	...
	Total ...	84	199	837	228	377	109	...
Tenasserim.	Amherst	11	20	247	42	192	49	2
	Shwaygyin	2	9	123	18	50	10	...
	Shwaygyin Small Cause Court	...	...	21	...	5	...	...
	Toungoo	6	11	76	17	46	11	...
	Toungoo Small Cause Courts	...	3	37	3	8	1	...
	Tavoy	15	16	26	7	59	8	...
	Mergui	2	16	29	5	27	7	...
	Salween	...	3	2	...	...	...	...
	Moulmein Judge's Court	2	6	16	14	60	41	...
	Moulmein Small Cause Side	...	55	78	38	...	...	...
	Total ...	38	139	650	144	478	127	...
	Total ...	168	419	2,291	589	1,388	382	2
	In 1880 ...	114	1,082	2,030	657	1,297	482	1

Processes to arrest judgment-debtors issued on 2,393 applications, but in only 419 cases were the debtors actually committed to prison. In the Moulmein town Court 726 warrants to arrest were taken out, but only 61 persons were committed. In the return of the Jail Department, mentioned in paragraph 7 of the Chief Commissioner's Resolution on the reports for 1880, it is stated that 525 debtors had been confined in jail. This number appears to include those committed by the Courts of Rangoon town.

There were more attachments and fewer sales of both immoveable and moveable property.

10. The following table shows the number of persons who applied to be declared insolvents :—

Division.	District.	Number of persons applied to be declared insolvents.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	16	10	2	15	1	One withdrawn; two struck off.
	Kyoukpyoo	..	..	...	...	...	
	Sandoway	1	1	...	1	...	
	Total	17	11	2	16	1	
Pegu.	Hanthawaddy	2	...	2	2	..	
	Tharrawaddy	4	2	...	4	...	Two withdrawn.
	Prome	5	3	...	3	2	
	Total	11	5	2	9	2	
Irrawaddy.	Henzada	4	3	...	4	...	One withdrawn.
	Bassein	24	18	5	24	...	ditto.
	Thonegwa	14	7	4	12	2	ditto.
	Thayetmyo	9	5	4	9	...	
	Total	51	33	13	49	2	
Tenasserim.	Amherst	6	...	3	6	...	Three withdrawn.
	Shwaygyin	7	2	3	5	2	
	Toungoo	9	4	2	9	.	Three withdrawn.
	Tavoy	8	6	...	6	2	
	Mergui	6	6	..	6	..	
	Salween	1	1	..	1	..	
	Moulmein	36	12	8	33	3	Thirteen withdrawn.
	Total	73	31	16	66	7	
	Total	152	80	33	140	12	Twenty-five withdrawn; two struck off.

There were 152 insolvency applications, whereof 80 were granted, 25 withdrawn, and 33 rejected. There were in 1880, one hundred and sixty-eight and in 1879 one hundred and thirty-five of such applications. The law on the subject is generally known to imprisoned debtors. In Tavoy some of the debtors have, as the Commissioner thinks, preferred to stay in prison rather than pay.

11. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts and the number in which the decrees appealed against were upheld :—

Division.	District.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	88	48	10	18
	Kyoukpyoo	65	37	3	16
	Sandoway	43	26	8	7
	Total	196	111	21	41
Pegu.	Hanthawaddy	84	55	9	15
	Tharrawaddy	136	95	12	26
	Prome	172	98	10	40
	Total	392	248	31	81
Irrawaddy.	Henzada	210	119	31	48
	Bassein	235	143	14	75
	Thonegwa	133	54	15	36
	Thayetmyo	108	58	11	28
	Total	686	374	71	182
Tenasserim.	Amherst	104	64	3	28
	Shwaygyin	114	70	5	21
	Toungoo	65	39	9	14
	Tavoy	86	58	6	18
	Mergui	56	25	10	18
	Salween	4	4	...	...
	Total	429	260	33	99
	Total	1,703	993	156	403

Appeals to Deputy Commissioners have decreased from 1,921 to 1,703, the decrease being 218. They have decreased in Hanthawaddy from 116 to 84, in Bassein from 285 to 235, and in Toungoo from 110 to 65. In these districts there were decreases in the number of institutions, and in Toungoo a Court of Small Causes was created. In Sandoway, where there was a large increase of suits, appeals rose from 14 to 43.

The percentage of modifications and reversals was nearly 33, as in 1879. In 1880 it was 35.

The number of appeals to Deputy Commissioners has not been so small since 1877. This is doubtless due to some extent to the increase of Small Cause Court jurisdiction; perhaps also to greater care in decision and to increased correctness obtained by study of circular orders.

12. The following table shows the work of the Appellate Courts:—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for redecision by Lower Court.	Number left pending: For more than four months.	Number left pending: Total pending.	Average duration of appeals.
Arakan.	Mr. W. deCourcy Ireland.. / Major M. C. Poole .. / Mr. D. J. A. Campbell .. / Captain C. H. E. Adamson. } Deputy Commissioners Akyab ..	88	..	48	28	2	..	10	43·15
	Lt.-Col. W. W. Pemberton / Captain F. D. Raikes } Deputy Commissioners Kyouk-pyoo	65	..	37	19	3	..	6	38·10
	Major M. C. Poole / Captain C. A. Cresswell } Deputy Commissioners, Sandoway ..	43	..	26	15	1	..	1	13·04
	Colonel E. B. Sladen, Commissioner of Arakan ..	4	..	3	..	1	..	..	31·25
	Total ..	200	..	114	62	7	..	17	..
Pegu.	Lieutenant-Colonel W. C. Plant, Deputy Commissioner, Hanthawaddy	84	2	55	24	..	..	3	28·57
	Mr. G. J. S. Hodgkinson / Mr. W. C. Midwinter } Deputy Commissioners, Tharrawaddy ..	136	..	95	38	..	..	3	8·60
	Mr. A. Hough / Major G. Alexander } Deputy Commissioners, Prome	172	1	98	50	2	..	21	62·30
	Total ..	392	3	248	112	2	..	27	..
Irrawaddy.	Major H. R. Spearman / Mr. C. J. A. Duke } Deputy Commissioners, Henzada	210	..	119	79	4	..	8	30·60
	Colonel W. Munro, Deputy Commissioner, Bassein	235	2	141	89	..	..	3	15·60
	Mr. H. Buckle (ditto) / Mr. F. S. Copleston (ditto) } Thonegwa	133	3	54	51	3	..	22	14·33
	Colonel H. N. Davies ditto, Thayetmyo	108	..	58	34	14	1	2	19·
	Mr G. J. S. Hodgkinson, Commissioner of Irrawaddy	2	..	1	1	..	..	..	19·5
	Total ..	688	5	373	254	21	1	35	..
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner, Amherst	104	..	64	31	1	..	8	29·
	Major C. H. A. Gower, ditto, Shwaygyin	114	4	70	26	5	..	9	35·
	Major G. A. Strover (ditto) / Mr. A. M. B. Irwin (ditto) Toungoo ..	65	..	39	23	3	..	..	9·
	Major W. G. Hughes / Captain C. H. E. Adamson / Mr. C. J. A. Duke } Deputy Commissioners, Tavoy	86	1	58	24	1	..	2	13·
	Captain J. Butler, Deputy Commissioner, Mergui	56	..	25	28	1	..	2	17·
	Mr. J. C. Davis, Assistant Commissioner, Salween	4	..	4	..	..	..	..	11·
	Colonel A. G. Duff, Commissioner of Tenasserim	7	1	5	..	1	..	..	40
	Total ..	436	6	265	132	12	..	21	..
	Total ..	1,716	14	1,000	560	42	1	100	25·16
	In 1880 ..	1,928	19	1,092	673	39	13	104	21·50

Only one appeal remained pending over four months. The total number pending would have been less if the Courts had not been closed some days earlier than usual on account of duties connected with the visit of the Viceroy. The average durations were in Akyab lengthened by the illness and change of officers and are explained at Kyoukpyoo and Henzada. In Prome the Deputy Commissioner, Major Alexander, was new to that hardworked district and had to adjourn appeals. The general average is less than in 1879.

13. The following table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits and requires no remarks :—

Division.	District.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
Arakan ...	Akyab	1	1	...	...
	Kyoukpyoo	3	2	1*	...
	Sandoway	...	...	...	...
	Total ...	4	3	1	...
Pegu ...	Hanthawaddy	4	...	...	...
	Tharrawaddy	...	...	...	...
	Prome	1	...	...	...
	Total ...	5	...	...	...
Irrawaddy...	Henzada	...	...	...	...
	Bassein	1	...	...	...
	Thonegwa	19	1	1	...
	Thayetmyo	1	...	...	...
	Total ...	21	1	1	...
Tenasserim	Amherst	4	...	...	...
	Shwaygyin	6	1	...	...
	Toungoo	3	1	...	...
	Tavoy	3	3	...	...
	Mergui	5	1†	1*	...
	Salween	4	...	...	...
	Total ...	25	6	1	...
	Total ...	55	10	3	...
	In 1880 ...	21	3	1	3

* Remanded. | † Dismissed for default.

14. The following table shows the financial results of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	District.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan ...	Akyab	8,153	7,543 0 0	7,956 10 0
	Kyoukpyoo	2,294	1,940 8 0	2,116 12 9
	Sandoway	1,408	1,184 11 0	1,105 8 0
	Total ...	11,855	10,668 3 0	11,178 14 9
Pegu ...	Hanthawaddy	7,456	7,241 4 0	6,816 6 0
	Thairawaddy	7,661	6,335 8 0	4,678 15 6
	Prome	7,889	6,862 10 0	5,377 7 8
	Total ...	23,006	20,439 6 0	16,867 13 2
Irrawaddy...	Henzada	9,186	8,737 8 0	7,604 4 0
	Bassein	14,719	13,244 0 0	8,206 12 0
	Thonegwa	10,565	8,975 0 0	4,488 4 0
	Thayetmyo	3,875	3,758 4 0	2,310 10 0
	Total ...	38,375	34,714 12 0	22,609 14 0
Tenasserim.	Amherst	7,049	7,181 8 0	4,756 10 0
	Shwaygyin	4,972	4,529 0 0	3,309 14 0
	Toungoo	4,332	4,095 0 0	3,055 2 0
	Tavoy	2,478	2,054 8 0	1,908 0 0
	Mergui	2,860	2,581 8 0	1,546 8 0
	Salween	125	103 0 0	114 8 0
	Moulmein	7,967	8,210 0 0	3,715 12 6
	Total ...	29,778	28,754 8 0	18,406 6 6
	Total ...	103,014	94,576 13 0	69,063 0 5
	In 1880 ...	104,935	94,320 10 0	65,828 4 10

Akyab and Kyoukpyoo show deficits, caused chiefly by boat-hire. The general surplus is Rs. 25,513.

The surplus of last year in the whole province was Rs. 38,000. In paragraph 10 of his Resolution for 1880 the Chief Commissioner placed this sum at the disposal of the Judicial Commissioner for expenditure for the benefit and convenience of suitors, either in providing suitable suitors' halls, or consulting-rooms outside the Court-houses, or in such other way as the Judicial Commissioner might decide; but of this sum Rs. 6,000 was placed at the Recorder's disposal, and the remaindor was allotted as follows to the different divisions :—

	Rs.
Pegu	10,000
Irrawaddy	10,000
Arakan	6,000
Tenasserim	6,000

The Commissioners and Deputy Commissioners were furnished with copies of a standard plan for witness-sheds by the Secretary in the Public Works Department, and were authorised to erect such sheds where they were wanted and of the size and sort which the circumstances might require. The discomfort which in many places witnesses had to incur in the hot weather and the rains has thus been diminished.

15. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeal admitted.	Decision reversed.	Decision modified.	Decision confirmed	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Mr. W. deCourcy Ireland, Deputy Commissioner of Akyab	4	...	...	4	...	...	4	...
	Major M. C. Poole, Deputy Commissioner of Akyab	3	...	...	...	...	...	...	3
	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	1	...	...	...	...	...	...	1
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner of Kyoukpyoo	3	...	...	1	...	...	1	2
	Major M. C. Poole, Deputy Commissioner of Sandoway	1	...	...	1	...	...	1	...
	Captain C. A. Crosswell, Deputy Commissioner of Sandoway	4	2	...	2	...	...	4	...
	Mr. G. J. S. Hodgkinson, Officiating Commissioner of Arakan	1	...	...	1	...	...	1	...
	Total ...	17	2	...	9	...	...	11	6
Pegu.	Mr. H. Buckle, Deputy Commissioner of Hanthawaddy	7	3	...	4	...	...	7	...
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Hanthawaddy	21	2	...	13	...	...	15	6
	Mr. G. J. S. Hodgkinson, Deputy Commissioner of Tharrawaddy	2	...	...	2	...	...	2	...
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	17	...	...	8	...	...	8	9
	Mr. A. Hough, Deputy Commissioner of Prome	12	2	1	6	...	...	9	3
	Major G. Alexander, Deputy Commissioner of Prome	11	...	...	3	...	...	3	8
	Total ...	70	7	1	36	...	...	44	26
Irrawaddy.	Mr. C. J. A. Duke, Deputy Commissioner of Henzada	3	...	...	1	...	...	1	2
	Major H. R. Spearman, Deputy Commissioner of Henzada	13	2	1	7	...	1	11	2
	Colonel W. Munro, Deputy Commissioner of Bassein	24	2	...	13	...	...	15	9
	Mr. G. L. Weidemann, Deputy Commissioner of Thonegwa	9	5	...	3	...	...	8	1
	Mr. F. W. Fox, Deputy Commissioner of Thonegwa	1	...	...	1	...	...	1	...
	Mr. H. Buckle, Deputy Commissioner of Thonegwa	26	5	...	12	...	1	19*	7
	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	8	1	...	3	...	...	4	4
	Total ...	84	15	1	40	...	2	59	25
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner of Amherst	10	2	...	3	...	...	5	5
	Major C. H. A. Gower, Deputy Commissioner of Shwaygyin	10	3	...	4	...	...	7	3
	Major G. A. Strover, Deputy Commissioner of Toungoo	4	1	...	1	...	...	2	2
	Major W. G. Hughes, Deputy Commissioner of Tavoy	6	1	1	2	...	...	4	2
	Captain J. Butler, Deputy Commissioner of Mergui	4	...	...	1	...	...	1	3
	Colonel A. G. Duff, Commissioner of Tenasserim	3	...	...	3	...	...	3	...
	Total ...	37	7	1	14	...	...	22	15
	Total ...	208†	31	3	99	...	2	136*	72
	In 1880 ...	206	56	10	86	...	2	154	52

* Includes one transferred to the Commissioner of Pegu when the civil appellate jurisdiction reverted to him.

† Includes 52 pending from previous year.

Of the 208 appeals, 52 were pending from the previous year and 156 were newly presented.

The last number compares with 185 in 1880, 155 in 1879, 130 in 1878, 110 in 1877, and 88 in 1876: 136 were disposed of, among which were seven in the jurisdiction transferred from the Commissioner of Pegu. This jurisdiction was retransferred to the Commissioner of Pegu from the 30th June, and thus during half the year the area of appeals to the Judicial Commissioner was smaller than before. At the close of the year 72 appeals remained pending.

This result was occasioned by the Judicial Commissioner being absent in November and December on a prolonged tour in Arakan, which division had not been inspected for nearly three years by the Judicial Commissioner.

The other divisions were also travelled over in the course of the year, the Judicial Commissioner being 112 days altogether on circuit as against 29 days in 1880.

The proportion of modifications and reversals to disposals was 25 per cent., in 1880 it was 42, and in 1878 and 1879 thirty-seven.

For some years the practice of printing and circulating the more important judgments of the Special Court and the Judicial Commissioner's Court has been adopted by the Judicial Commissioner, and it is possible that the result of this practice may be that fewer appeals are instituted and fewer decrees reversed, the law being better known. There were also fewer appeals to the Deputy Commissioners, and the number of second appeals would therefore be smaller.

It may be mentioned here in proof of the excellent working of the Court of the Judge of Moulmein that in 1880 only five and in 1881 only seven decrees were appealed, and of these two were rejected and five confirmed by the Special Court. The great amount of work at this Court has already been noticed for 1881. Mr. Birks, of the Civil Service, was the Judge.

16. The following table shows the miscellaneous appeals, *i. e.*, from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
Arakan ...	*Nil.*						
Pegu ...	Mr. A. Hough, Deputy Commissioner of Prome	...	...	1	...	1	...
Irrawaddy ...	Colonel W. Munro, Deputy Commissioner of Bassein	...	...	1	...	1	...
	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	...	...	...	...	...	2
Tenasserim ...	*Nil.*						
	Total ...	...	...	2	...	2	2
	1880 ...	1	...	5	1	7	1

17. The number and result of references to the Court of the Judicial Commissioner is shown in the following table :—

Division.	Court making the reference.	In accordance with paragraph 8 of Government of India notification No. 884, dated 12th August 1868.	Under sections 617 and 295, Act X of 1877.	Under section 25, Act XVII of 1875.	Under section 29, Act XVII of 1875.	Under section 26, Act XVII of 1875.	Under section 49, Act I of 1879.	Total.	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with the opinion of referring Court.	Heard as appeals under section 84, Act XVII of 1875.	Total disposed of.	Pending.
Arakan ...	Sitkeh of Akyab ...	...	...	1	...	...	...	1	...	1	...	1	...
	Deputy Commissioner of Kyoukpyoo... ...	...	...	1	...	...	...	1	...	1	...	1	...
Total ...		...	...	2	...	...	...	2	...	2	...	2	...
Pegu ...	*Nil.*	...	...	...	...	...	...	...	...	...	...	...	...
Irrawaddy ...	Deputy Commissioner of Henzada ...	...	...	3	...	...	...	3	2	1	...	3	...
	Deputy Commissioner of Bassein ...	...	...	2	1	...	...	3	1	2	...	3	...
	Deputy Commissioner of Thayetmyo ...	...	...	...	1	...	...	1	1	...	...	1	...
Total ...		...	...	5	2	...	...	7	4	3	...	7	...
Tenasserim ...	Deputy Commissioner of Amherst ...	...	...	...	1	...	...	1	...	1	...	1	...
	Deputy Commissioner of Shwaygyun...	...	...	5	3	...	...	8	3	4	...	7	1
	Deputy Commissioner of Tavoy ...	...	...	...	...	1	...	1	...	1	...	1	...
	Deputy Commissioner of Mergui ...	...	...	1	...	...	...	1	...	1	...	1	...
	Officiating Judge of Moulmein ...	...	4	...	...	...	...	4	...	3	...	3	1
Total ...		...	4	6	4	1	...	15	3	10	...	13	2
Total ...		...	4	13	6	1	...	24	7	15	...	22	2
In 1880 ...		...	2	9	10	1	...	22	5	13	...	19	3

18. The following table shows the work of the Judicial Commissioner as a Court of Revision :—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner, or Extra Assistant Commissioner from whose decision revision was made.	Revision admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Mr. R. McLeod, Extra Assistant Commissioner, Akyab ...	1	...	...	1	...	...	1	...
	Moung Tha Daw Way, Extra Assistant Commissioner, Akyab	1	...	...	1	...	...	1	...
	Captain C. A. Cresswell, Deputy Commissioner of Sandoway	1	..	...	1	...	...	1	...
	Total ...	3	...	...	3	...	...	3	...
Pegu.	Mr. F. S. Copleston, Assistant Commissioner, Hanthawaddy district	2	...	...	2	...	...	2	...
	Moung Wike, Extra Assistant Commissioner, Pegu, Hanthawaddy district	1	...	...	1	...	...	1	...
	Moung Ba Kyo, Extra Assistant Commissioner, Hlehgoo, Hanthawaddy district	2	...	...	2	...	...	2	...
	Moung Toon Oung, Extra Assistant Commissioner Hmawbee, Hanthawaddy district	1	...	...	...	...	...	...	1
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	1	...	...	1	...	...	1	...
	Major G. Alexander, Deputy Commissioner of Prome ...	1	...	...	1	...	...	1	...
	Total ...	8	...	...	7	...	...	7	1
Irrawaddy.	Major H. R. Spearman, Deputy Commissioner of Henzada	1	...	...	...	...	...	...	1
	Moung San Win, Extra Assistant Commissioner, Kyangin, Henzada district	1	1	...	...	...	...	1	...
	Colonel W. Munro, Deputy Commissioner of Bassein ...	2	...	...	1	...	...	1	1
	Mr. H. Buckle, Deputy Commissioner of Thonegwa ...	1	...	...	1	...	...	1	...
	Moung Kya, Extra Assistant Commissioner, Thonegwa ...	1	...	...	...	...	...	...	1
	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	3	1	...	2	...	...	3	...
	Total ...	9	2	...	4	...	...	6	3
Tenasserim.	Major C. H. A. Gower, Deputy Commissioner of Shwaygyin	4	...	...	1	...	...	1	3
	Mr. A. M. B. Irwin, Assistant Commissioner, Sittang, Shwaygyin district	1	...	...	1	...	...	1	...
	Moung Shway Go, Extra Assistant Commissioner, Shwaygyin	1	1	...	...	...	...	1	...
	Moung Tha Nyo, Extra Assistant Commissioner, Thayehthamein, Shwaygyin district	1	...	...	...	...	1	1	...
	Moung Taw, Extra Assistant Commissioner, Kyoukkyee, Shwaygyin district	1	1	...	...	...	...	1	...
	Moung Po, Extra Assistant Commissioner, Toungoo ...	4	...	...	...	...	...	...	4
	Total ...	12	2	...	2	...	1	5	7
	Total ...	32	4	...	16	...	1	21	11

The revisionary jurisdiction has been more frequently exercised, as many Courts were inspected by the Judicial Commissioner on circuit and the proceedings of other Courts called up for inspection at Rangoon.

19. The Judicial Commissioner made no civil references to the Special Court, and no appeals from his decisions were preferred there.

20. There are altogether 455 Advocates in the Courts under the Judicial Commissioner, of whom 39 are entitled to practice before the Judicial Commissioner; of the latter 17 are Barristers-at-law. It may be interesting to notice that a Christian Karen, Moung Edwin, who had taken the degrees of LL.B. and M.A. in the United States and had been admitted to practice in the Federal and State Courts, was admitted as a 2nd grade Advocate for the Bassein district.

21. Leaving the review of statistics, I have now to report on the manner in which superintendence was exercised over the Lower Courts. Besides issuing orders and judgments in printed circulars, I have made several circuit tours,

being greatly assisted in the matter of locomotion by the kindness of the Chief Commissioner. During these circuits the Courts have been more or less inspected, often on the spot, at other times at the Deputy Commissioner's station, and generally in presence of the Subordinate Judges, to whom as well as to the Commissioners and Deputy Commissioners copies of my remarks have been given. On all such occasions I held Court so as to enable suitors and petitioners to appear. In this way I visited the districts of Tavoy, Mergui, Moulmein, Amherst, Prome, Tharrawaddy, Thayetmyo, Henzada, Bassein, Thonegwa, Akyab, Kyoukpyoo, and Sandoway, giving as much time to civil business as the disposal on the spot of criminal appeals and revisions and the inspection of Criminal Courts and the different jails would allow. I will now allude to the more important of the subjects which occupied my time.

22. The subject of costs in judicial proceedings received unremitting attention. The Courts were enjoined to apply section 206 of the Procedure Code to rectify errors in calculations. I found that many Subordinate Courts, especially in the Pegu and Irrawaddy divisions and in the Amherst district, systematically awarded to Advocates much higher fees than the rules allow. Many Extra Assistant Commissioners were quite ignorant of a rule made in 1874, and printed, translated, and circulated at the time and republished in the book of circular orders, which laid down that in undefended suits the Advocate should receive only one-half of the usual fee. This proviso applies to *ex-parte* suits and to those where the defendant appears and confesses, which include a very large proportion of the total number. In the Gyaing-Salween Court a poor defendant who was sued on three promissory notes was by ignorance of this rule ordered to pay an illegal excess of Rs. 67-8-0 in Advocate's fees. In Moung Ba One's Court at Bassein, the sum of Rs. 120 instead of Rs. 51, Rs. 136 instead of Rs. 58, and Rs. 38 instead of Rs. 14, were awarded, and so on. In the same Court there was a suit for a boat valued at Rs. 430. The costs amounted to Rs. 155. The Extra Assistant Commissioner of Wagayoo thought that in calculating Advocate's fees every fraction over each Rs. 100 of the claim was to be treated as Rs. 100. Another most important rule made in October 1880, but not translated and not very intelligible, was also generally ignored in the same localities. It provided that where a 3rd class Advocate was competent to plead (*i.e.*, in every Assistant or Extra Assistant Commissioner's Court), and where only a minimum fee of Rs. 5 would be allowed him (*i.e.*, in cases not exceeding Rs. 100 and in undefended cases not exceeding Rs. 200), no Advocate should be allowed more than Rs 5. In such cases the minimum fees of a 1st class Advocate and of a 2nd class Advocate were reduced from Rs. 17 and Rs. 10 to Rs. 5. The rule was intended to cheapen small litigation. Yet in one Court at Prome I found Rs. 12 decreed to an Advocate in a suit for Rs. 25 and Rs. 10 to another in a suit for Rs. 16. These are mere instances among many of the same kind. The clerk at Gyaing-Salween had an impression that a 2nd class Advocate should always get 10 per cent. instead of 5. In the Court of Moung Ba One, c.s., Assistant Commissioner, Bassein, when I inspected it in August, it was the practice to leave the preparation of the decrees to a clerk, who besides giving double the legal amount of Advocate's fees in many cases aggravated the evil by making mistakes in his figures, which mistakes were also in favour of the Advocate. The Assistant Commissioner also greatly increased the costs in several cases by giving the Advocate the enormous sum of Rs 20 for each adjournment.

23. When inspecting an Extra Assistant Commissioner's Court at Henzada I found that harshness in procedure, besides causing other evils, led to incredible increases of illegal costs. I commented on this kind of error in a circular issued in September in the following terms :—" Section 483 of the Procedure Code " requires that a plaintiff satisfy the Court of certain facts, and even when he has " done this the Court's order should be one calling on the defendant either to give " security or show cause why he should not give security. One case was as follows, " and it is important as showing that these sections were forgotten and a new way " found of immensely increasing the costs of litigation. It appears plaintiff asked " in an unverified petition for attachment before judgment of some musical

"instruments, alleging that defendent meant to dispose of them in order to evade "execution of decree. The Judge without looking at section 483 or 484 at once "granted the attachment, and so a bill was run up of Rs. 21 for taking care of the "property. There is nothing on record to show that plaintiff's statement was "true, and he did not indicate any of the facts on which it was made. The order "was thus apparently made without jurisdiction. To save costs it was the duty "of the Judge under sections 483 and 484 to have given defendant the chance of "finding security. There was no reason whatever for keeping the property if this "had been done. It appears to me therefore that by an improper order the Judge "added Rs. 21 unnecessarily to the costs. This is a large proportion of the Rs. 100 "sued for; and it appears that further costs occurred afterwards in executing the "decree. This case occurred in a large town, and it is plain that if any tamper-"ing with procedure is allowed, there will be a temptation to support needy "hangers-on by giving them eight annas a day to take care of musical instru-"ments at the expense of other people."

24. In the Courts of Arakan which I inspected in November and December the evil of illegal costs did not exist as a rule, although a few instances were found. Elsewhere the repeated orders issued are now generally obeyed. The Deputy Commissioner of Toungoo examined 300 cases to satisfy himself on this point; and Mr. Hodgkinson and Colonel Duff, in their divisions of Irrawaddy and Tenasserim, have reported many inspections in which the subject received attention; and the Commissioner of Pegu and several Deputy Commissioners have also made inspections. The reduction of excessive costs appeared to me so serious a matter that I enjoined these examinations and corrections everywhere, and my time and attention were so taken up with it as to lead me to postpone returns of costs until after the amendment had been made. I think the compilation of returns could hardly have been made while the change was going on. The following remarks of Mr. Hodgkinson, which relate to an evil observed also by Colonel Duff and myself in our inspection tours, have recently been circulated as a correct exposition of the law:—"The Extra Assistant Commissioner seems to think it "necessary to give costs in every petty case for damages, even when the plaintiff "succeeds in recovering a very small portion of the sum sued for. Thus in a case "where Rs. 45 were sued for and Rs. 5 were decreed, the defendant was saddled with "costs amounting to Rs. 15. Costs should not be awarded in cases where extrava-"gant claims are made which a defendant is fully justified in resisting, even though "some small damages are properly decreed against him. It may often happen that "it is only the extravagance of the plaintiff's demand which prevents a settle-"ment out of Court."

25. While I believe a great reduction has been effected this year in the amounts awarded to Advocates by the Courts, I cannot say that the Advocates do not themselves receive by private arrangement larger sums from their clients than the Courts allow between party and party. My impression is that they do, and I have not heard of any Court interfering under section 89 of the Burma Courts Act during the year of report. The extent of employment of Advocates differs in different places. In some Courts, *e.g.*, Thehgone, the public seem content to leave their cases to the Judge, whereas in the neighbouring towns of Gyobingouk and Tapoon Advocates are employed in very trivial cases.

26. It may be fit to notice here another wrong and lazy procedure brought to light by Colonel Duff. The evil results manifested in India induced me to issue the following in a circular in September last:—"The Commissioner "of Tenasserim also brought to notice the important fact that in Civil Register "No. 2 of applications for execution of decree the columns headed 'Value of property "attached' are often not filled in, the reason given for this omission being that "the exact value cannot be ascertained until the sale takes place. The amount "to be entered is the approximate value, which can be got by questioning the "applicant or examining the inventory made obligatory by section 236 of the "Amended Procedure Code. The Code contains careful rules to prevent unneces-"sary sales of the property of judgment-debtors. Section 245 provides that in "the case of a decree for money, the value of the property attached shall, as "nearly as may be, correspond with the amount for which the decree has been

" made. Section 284 enables the Court to say how much of the attached pro-
" perty shall be sold, so that if Rs. 50 worth of property has been, through fraud
" of the creditor or carelessness of the Court, attached to satisfy a decree for
" Rs. 10, the Court can rectify the mistake by allowing only a part to be sold. It
" was found a few years ago that creditors for small amounts frequently ruined
" the judgment-debtors by getting the whole property of the debtors attached
" and brought to forced sale, and that these oppressive practices were one of the
" causes of the disturbances in the Bombay presidency. In the new procedure
" the above precautions have been inserted. The Judicial Commissioner has no
" doubt that the Courts will see the propriety of making the person applying
" for attachment specify the goods with reasonable accuracy, and if necessary
" state the value. The value so stated should be entered in the column above
" mentioned, and the controlling Courts, by comparing it with the inventory and
" the column showing the proceeds of sale, will be able to judge whether their
" subordinates work the law oppressively or not."

27. Great attention has been given during the year to the subject of Court fee stamps to prevent their being used a second time. Where sections 21 and 30 of the Act have been ignored I have informed the Deputy Commissioners, and have examined a great many cases in order to see whether the proper stamps were affixed to the plaint.

28. During my inspections I have ordered the proper forms to be supplied to negligent Courts for receipts to be given to defendants who pay money into Court.

29. I have also in my inspections tried to secure obedience to the stamp laws. The hardworked Judge of Moulmein found time to examine and impound and send to the Collector 57 documents insufficiently stamped. I may say generally that the important financial interests of Government which such laws place under the view of the Courts have not been lost sight of.

30. In this review of the year's business I have noticed such common shortcomings of the Courts as ought to become known to the Government of India. In the letter of the 22nd September 1881 the Government also desire to be informed of any general rulings of importance. There are only two which seem to me worth mentioning here. One is a ruling of the Special Court in a suit referred by the Recorder. The ruling is as follows:—

" At Buddhist law, where no special custom exists, a husband who in the
" lifetime of his first wife marries a second wife, without the first wife's consent,
" does not thereby commit a fault against the first wife."

This ruling is opposed to the latest development of sentiment among Buddhists and is of very great general importance, as matrimonial questions among Buddhists are constantly adjudicated by the very lowest Courts.

The other ruling was passed in the Judicial Commissioner's Court, applying section 258 of the Procedure Code to the following facts. After a decree had been obtained and execution placed on a house the judgment-debtor paid the creditor Rs. 175 in full satisfaction of the decree. The creditor without certifying the payment to the Court removed the attachment. He afterwards renewed it and forced her to pay Rs. 337 in satisfaction of the decree. Sitting as Judicial Commissioner I held that the judgment-debtor had a right to sue for recovery of the second payment.

31. Reverting to the errors of procedure discussed in this report, I am aware that the question may fairly be asked how they could exist so generally and yet remain undiscovered. The duty of controlling the Courts of the Assistant and Extra Assistant Commissioners is plainly placed on the Deputy Commissioners by section 11 of the Burma Courts Act, XVII of 1875. Except in Arakan however the control has been greatly neglected. I must admit however that the same law says the control has to be exercised under the Judicial Commissioner's general superintendence. That this superintendence has not been very effectually exercised may be inferred from the vast number of *ex-parte* decrees passed without any evidence of the claim and the illegal doubling of the Advocate's fees in such decrees where no trouble was caused to either the Court or the Advocate, except the filing of the plaint and the issue of the sum-

mons. A full exposition of section 100 of the Procedure Code if translated and published would have corrected much of the mischief; and the excessive decrees of costs began to fall after my first long inspection tour.

32. The excuse for the ineffectual superintendence lies in the position of the Judicial Commissioners. I believe I am the only one who had previously been a District Judge. We all came from India ignorant of the country and the language; and our Registrar came from Bengal, was equally ignorant, and had never been employed in any judicial office. It was as if an Englishman were suddenly made Chief Justice in Spain with a Registrar from France. Doubtless the administration has benefited by the application of Indian experience, but the rather short tenure of office some of us have had prevented the acquirement of the Burmese language. Until I returned from furlough in 1881 my residence in Burma had not been more than nine months and a week. For some years the Judicial Commissioner was burdened with the Commissioner's work as Sessions Judge of Hanthawaddy, Thonegwa, and Bassein, and the time bestowed on that jurisdiction was so much withdrawn from superintendence. In 1878 I sat a whole month together trying the Hanthawaddy Sessions. During 1881 I presided, from the 6th October to the 15th November, in the Recorder's Court during his absence from Burma in his vacation and spent most of that time in Rangoon. But the relief afforded by the return to the Commissioner of the transferred jurisdiction on the 30th June enabled me to devote far more time to travelling than my predecessors could possibly spare. The civil appellate work suffered somewhat; while the criminal appellate and revision work was, I think, more easily dealt with. I believe these inspection tours of great use in the present state of the Courts; they are the best means I know of acquiring a knowledge of the state of the Courts and the ways and needs of the people. The Deputy Commissioners having many other duties cannot remember or apply circular orders so well as District Judges with purely judicial functions; they are eager to learn the state of their Subordinate Courts, and the Lower Judges are quite ready to correct any errors pointed out to them. The Judicial Commissioner has himself a very great deal to learn, and I cordially acknowledge the value of the information given me by the Commissioners and Deputy Commissioners at the Courthouses or at their hospitable homes during these tours. I must admit however that the value and effect of the visitations are immensely lessened by my present ignorance of the Burmese language, the only medium of familar intercourse with the Burmese Judges. The little I know is better than none; but I am quite sure that in all respects, and especially in the superintending jurisdiction, my services would be doubly effective if I knew as much Burmese as an Assistant Commissioner. Holding this opinion I have time after time been on the point of arranging for an increase to the number of holidays in the Judicial Commissioner's Court in order to get time to study Burmese, as the Judicial Commissioner has no regular vacation; but I have not yet been able to arrange for this leisure.

33. A volume of circular orders and published judgments compiled till the end of 1880 was during the year under report issued in English and Burmese to all the Courts under the Judicial Commissioner.

JOHN JARDINE,

Judicial Commissioner, British Burma.

PART III.

Courts under the supervision of the Commissioner of the Arakan Division.

From Colonel E. B. SLADEN, Commissioner of the Arakan Division, to the Secretary to the Chief Commissioner, British Burma,—No. 14-36, dated the 3rd February 1882.

I HAVE the honour to submit, for the information of the Chief Commissioner, the annual report of the Deputy Commissioner of the Arakan Hill Tracts on the administration of civil justice for the year 1881, with statements Nos. 6 to 10 and general statement No. 1.

2. There has been no change in the constitution of the Courts during the year under review.

3. The total number of suits instituted was 134, as compared with 88 cases during 1880, showing an increase during the year under report of 46 cases. The Deputy Commissioner explains that all these cases were of a petty nature, and that as many as 83 of them were settled by arbitration on reference to the chiefs. He reports that the decisions of the paid chiefs as arbitrators have been just and moral and that the system continues to work well. He adds that the absence of applications for execution of decrees may be accepted as proof that the parties concerned are on the whole satisfied with decisions given and the administration of civil justice generally.

From the Officiating Deputy Commissioner, Arakan Hill Tracts, to the Commissioner of the Arakan Division,—dated the 1st January 1882.

I HAVE the honour to forward the annual report on the administration of civil justice for the district of Arakan Hill Tracts for the past year.

2. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year:—

Class and locality of Court and name of presiding Judge.	Instituted		Disposed of		Pending at close of year			
					Above four months.		*Total pending.*	
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts	88	134	88	134	...	...	...	...
Total ...	88	134	88	134	...	...	...	...
Increase ...	...	46	...	46	...	...	...	...

Last year showed an increase of 17 cases, and this year there is an increase of 46 upon those. They were all of a petty nature, and 83 of them were arbitrated upon reference to the chiefs.

3. The following table shows the character of original litigation in the different classes of Court:—

Class and locality of Court and name of presiding Judge.	Number of suits												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts	2	13	1	48	21	...	...	23	3	...	...	21	2

The greater portion of the suits were for money borrowed and lent among the hillmen; but there were as many as 21 for dissolution of marriage. Unfaithfulness in the wife appears to be of very common occurrence among them, and on an occasion of this sort if the husband gets back the dower he had to pay in taking the woman to wife he appears quite satisfied.

4. The value of original suits was as follows:—

Class and locality of Court and name of presiding Judge.	Number of suits disposed of valued at not exceeding							Above Rs. 1,00,000.	Total value of suits.
	5	20	100	500	1,000	10,000	1,00,000		
									Rs. A. P.
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts ...	9	43	65	17	...	...	...	...	6,677 8 3
Total ...	9	43	65	17	...	...	...	...	6,677 8 3

Upon the value of suits there has upon an increase of Rs. 382 last year been an increase this year of Rs. 2,488. The Courts would appear to be finding more favour.

5. The manner in which the litigation was disposed of in the several Courts is shown:—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
										Judgment for plaintiff in whole or in part.	Judgment for defendant.			
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts	134	...	...	5	3	1	35	4	...	1	2	134	...	83

As in former years, so during the year under report, the decisions of the paid chiefs as arbitrators have been just and moral and the system continues to work well.

6. The average duration of suits in each Court of original jurisdiction was as follows:—

Class and locality of Court and name of presiding Judge.	Average duration of suits			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Moung Shway Hnya, Extra Assistant Commissioner of Arakan Hill Tracts ...	3·64	3 31	...	...
Major W. G. Hughes, Deputy Commissioner of Arakan Hill Tracts ...	0 33	...	...	...
Mr C. J. A. Duke, Deputy Commissioner of Arakan Hill Tracts	6·	4·31	...	...
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts	3·29	...	7 84	4 35

This calls for no remarks.

7. The following table shows the number of applications for executions and the degree in which the applications were satisfied :—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Mr. A. H. Hildebrand, Officiating Deputy Commissioner of Arakan Hill Tracts		*Nil.*		

That there have been no applications for execution of decree tends to show how satisfied the parties are with the decisions that have been given.

8. Processes of execution were issued as follows :—

District.	Mode of execution.						Orders under section 243, Civil Procedure Code.
	Delivery of possession.	*Person.* Imprisonment of.	*Moveable property* Attached.	*Moveable property* Sold.	*Immoveable property* Attached.	*Immoveable property* Sold.	
Nil.							

9. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts and the proportion in which the decrees appealed against were upheld:—

Name of Assistant and Extra Assistant Commissioner.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversals and modifications to appeals preferred.
Nil.					

E. B. SLADEN, COLONEL,

Commissioner of Arakan.

APPENDICES TO PART I;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the town of Rangoon on the last day of the year 1881, with the cost of tribunals.

Name of province			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of district.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS
								Judges of Chief Courts of province.	Judges of other Courts superior to chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Court.	Judges of other Subordinate Courts.	*Original.*		*Appeal.*				
													Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court...	Civil ...	45	134,176	1	...	...	(a) 1	...	(b) 1	...	(c) 4	(d) 3,719	(e) 2,286	(f) 39	...	Rs. A. ...	Rs. A. ...	(a) Recorder of Rangoon. (b) Deputy Commissioner, Rangoon Town District, and Town Magistrate. (c) 1 Bench of Honorary Magistrates. 1 Extra Assistant Commissioner. 1 Assistant Magistrate. 1 Small Cause Court Judge. (d) Regular (civil)— (1) By Small Cause Court Judge ... 3,477 (2) By Recorder ... 178 By Recorder, vice-admiralty ... 7 By Recorder, matrimonial ... 5 By Recorder, insolvency 34 (3) By Small Cause Court Judge, insolvency ... . 18 — 3,719 (e) By Small Cause Court Judge ... ... 2,100 By Recorder... ... . 186 — 2,286 (f) By Town Magistrate ... .. 8 By Recorder ... . 31 — 39
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	.	...	...	.	...	...	
	Territory not subject to the High Court ...	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
		Revenue ...	...	...	...	...	...	...	...	...	..	...	..	...	...		...	..	
	Total ...		45	134,176*	1	...	.	1	...	1	...	4	3,719	2,286	39	...	...	..	

* This is the population included within town limits proper.

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the town of Rangoon in the year 1881.

CLASS OF TRIBUNAL.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																	REMARKS.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts on account of illegal restraint or other cause.	For pottahs or kabuliyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the grounds of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																					
I.—Civil Courts.																																					
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Paid sub-divisional tribunals... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Small Cause Courts	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
II.—Revenue Courts.																																					
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Courts at the Presidency or seat of Government.																																					
Presidency Small Cause Courts ...	1,418	500	9	157	528	412	17	257	155	14	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,467	...
Superior Courts	31	3	3	2	10		1	...	7	6	...	...	...	...	...	...	...	...	44	...	6	5	1	10	...	...	24	15	...	1	...	1	...	...	10	182	...
Total ...	1,449	503	12	159	538	412	18	257	162	22	...	..	...	...	...	...	...	...	44	...	6	5	1	10	...	...	24	15	...	1	...	1	...	...	10	3,649	...
GRAND TOTAL ...	1,449	503	12	159	538	412	18	257	162	22	...	...	...	...	...	...	...	...	44	...	6	5	1	10	...	...	24	15	...	1	...	1	...	...	10	3,649	...

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing number and value of suits instituted in the Civil and Revenue Courts in the town of Rangoon in the year 1881.

CLASS OF TRIBUNAL.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	REMARKS.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid tribunals	...	...	...	...	...	...	...	...	...	.....	
Village Courts	...	...	...	...	...	...	...	...	...	.....	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	...	...	.....	
Small Cause Courts	...	...	...	...	...	...	...	...	...	.....	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	.....	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	.....	
Total	...	...	...	...	...	...	...	...	...	.....	
II.—Revenue Courts.											
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	.....	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	.....	
Collector's Court	...	...	...	...	...	...	...	...	...	.....	
Total	...	...	...	...	...	...	...	...	...	.....	
Courts at the Presidency or seat of Government											
Presidency Small Cause Courts	386	1,667	589	719	106	...	...	...	...	3,22,787 5 0	
Superior Courts	...	..	6	17	15	83	7	14	40	11,82,935 14 3	The value of vice-admiralty suits, *viz.*, Rs. 7,123-14-3, is not included here.
Total	386	1,667	595	736	121	83	7	14	40	15,05,743 3 3	
GRAND TOTAL	386	1,667	595	736	121	83	7	14	40	15,05,743 3 3	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of original jurisdiction in the town of Rangoon in the year 1881.

PART I.—Civil Suits.

CLASS OF COURTS.	Total number of suits before the Court	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																
Presidency Small Cause Court	...	...	...	*3,685	...	611	225	273	1,062	42	...	...	559	505	208	10	34·36	26·78
Superior Court	...	...	...	†203	...	21	22	13	36	1	...	...	62	26	21	7	77·50	35·50
Total	...	3,888	...	832	247	286	1,098	43	...	...	621	531	229	17	37·66	27·16		
GRAND TOTAL	...	3,888	...	832	247	286	1,098	43	...	...	621	531	229	17	37·66	27·16		

* Includes 218 pending from last year
† Ditto 22 ditto ditto.

Without trial.

Small Cause Court.

Recorder.	3
Plaint rejected or returned	13
Dismissed for default	5
Withdrawn	21
Total	
	17
	737
	47
	811

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of original jurisdiction in the town of Rangoon in the year 1881.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF COURT.	Total number of cases before the Court.	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals																
Village Courts																
Paid sub-divisional tribunals																
Small Cause Courts																
District Courts other than Chief Courts of districts																
Chief Courts of districts																
Total																
II.—Revenue Courts.																
Unpaid local tribunals																
Other Subordinate Courts																
District Courts																
Total																
Courts at the Presidency or seat of Government.																
Presidency Small Cause Courts																
Superior Courts																
Total															—	
GRAND TOTAL																

JUDICIAL STATEMENT No. 10 (CIVIL).—*Blank.*

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the town of Rangoon in the year 1881.

CLASS OF COURT.	Total number of applications for the execution of decree before the Courts.	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALIZED		On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested but released without imprisonment.	NUMBER OF APPLICATIONS										Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.			*On which moveable property*		*On which immoveable property*			*On which possession was given*		Of which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	
												Was sold.	Was attached, but subsequently released.	Was sold.	Was dealt with under sections 305, 322, or 326, Act X of 1877.	Was attached but subsequently released under section 275.	Of moveable property.	Of immoveable property.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.																						
I.—Civil Courts.																						
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	
Superior Courts	...	.	..	..	..	...	...	...	...	...	...	...	...	...	...	.	...	..	...	...	...	
Total ...	...	...	...	..	...	...	...	...	...	...	.	...	...	..	...	..	...	..	...	...	...	
II.—Revenue Courts.																						
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	..	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																						
Presidency Small Cause Courts	1,136	...	361	106	637	32	2	421	46	102	145	36	40	...	...	...	...	...	...	...	...	
Superior Courts	92	.	31	20	35	6	3	36	9	8	9	3	4	17	...	5	...	...	...	...	...	
Total ...	1,228	..	392	126	672	38	5	457	55	110	154	39	44	17	...	5	...	...	...	...	...	
GRAND TOTAL ...	1,228	...	392	126	672	38	5	457	55	110	154	39	44	17	...	5	...	...	...	...	...	

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the number and result of applications and proceedings under Chapter XX, Act X of 1877, in the town of Rangoon, in the year 1881.

CLASS OF COURT	APPLICATION FOR A DECLARATION OF INSOLVENCY.								AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		REMARKS.
	Total number for hearing	Transferred to another province, withdrawn, &c.	Granted		Rejected.			Pending at the close of the year.	Number of insolvents discharged during the year under section 355	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed	Admitted.	Satisfied.	Realized during the year	Disbursed during the year.	
			A receivor being appointed	A receiver not being appointed.	Final proceedings under section 359 not being taken	Sentence of imprisonment being passed under section 359	Applicant being sent to the Magistrate to be dealt with								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Courts other than Chief Courts of districts ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts.	...	...	...	...	...	..	..	...	...	...	...	...	...	...	
Superior Courts	...	...	.	...	...	...	...	..	...	...	...	...	.	...	
Small Cause Courts	20	7	...	6	5		..	2	...	6	...	...	..	..	*Note*—No proceedings were taken by the Recorder under Chapter XX, Act X of 1877.
Total ...	20	7	...	6	5	.	..	2	...	6	...	...	...	...	

JUDICIAL STATEMENT No. 13 (CIVIL).—*Blank.*

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

Judicial Statement No. 1 (Civil).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1881, with the cost of tribunals.

Name of province.			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	Total number of officers exercising original or appellate jurisdiction.					Total number of cases decided.				Total receipts of the Court.	Total charges of the Court.	Remarks
								Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	Original.		Appeals.				
													Regular.	Miscellaneous.	Regular	Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																	Rs. A. P.	Rs. A. P.	
Province of British Burma	Territory subject to the High Court	Civil	86,160	3,588,096	4	18	31	1	5	18	31	103	27,346	3,242	1,752	48	..	...	
		Criminal	..	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	
		Revenue	..	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	
	Territory not subject to the High Court	Civil	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
		Revenue	..	...	...	..	...	...	...	..	...	...	...	...	..	..	...	...	
	Total		86,160	3,588,096	4	18	31	1	5	18	31	103	27,346	3,242	1,752	48	...	...	

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the province of British Burma exclusive of the town of Rangoon in the year 1881.

CLASS OF TRIBUNAL.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																			GRAND TOTAL.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancellment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kubuliyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
COURTS IN THE INTERIOR.																																					
I.—Civil Courts.																																					
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Village Courts	3,568	3,983	247	1,156	3,067	105	1,341	172	2,371	3,519	...	...	...	...	...	...	...	...	1,171	10	2	62	30	2	...	22	759	118	94	1	14	2	...	8	...	240	22,014
Paid sub-divisional tribunals ...	376	173	19	81	240	34	186	41	192	186	...	...	...	...	...	...	...	...	105	4	...	16	3	1	1	3	68	15	5	...	2	...	...	2	2	22	1,777
Small Cause Courts	1,566	420	46	80	692	167	315	32	180	68	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	...	...	...	15	3,582
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Courts of districts	85	10	3	...	7	...	1	2	1	11	...	...	...	...	...	...	...	...	10	1	1	31	3	7	...	1	2	11	4	2	...	1	...	4	2	7	207
Total ...	5,595	4,586	315	1,317	4,006	306	1,843	247	2,764	3,784	...	...	...	...	...	..	...	...	1,286	15	3	109	36	10	1	27	829	144	103	3	16	3	...	14	4	284	27,580
II.—Revenue Courts.																																					
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Other subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
District Courts	...	...	...	...	...	...	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Courts at the Presidency or seat of Government.																																					
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Superior Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Total ...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
GRAND TOTAL ...	5,595	4,636	315	1,317	4,006	306	1,843	247	2,764	3,784	..	...	...	...	.	...	...	...	1,286	15	3	109	36	10	1	27	829	144	103	3	16	3	...	14	4	284	27,580

NOTE.—Thirty-nine suits, pending from last year in the Kyoukpyoo and Hanthawaddy districts, are included in this statement.

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the number and value of suits instituted in the Civil and Revenue Courts in the province of British Burma exclusive of the town of Rangoon in the year 1881.

CLASS OF TRIBUNAL	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	REMARKS.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500	Not exceeding Rs. 1,000.	Not exceeding Rs 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid tribunals	..	...	.	..	...	...	...	...	.		*Note.*—Seventy-three suits pending from last year in the Kyoukpyoo, Hanthawaddy, Thayetmyo, and Salween districts are included in this statement.
Village Courts	1,693	5,175	10,592	3,788	149	51	...	...	563		
Paid sub-divisional tribunals	123	378	669	378	76	60	...	...	81	30,98,731 11 11	
Small Cause Courts	394	1,049	1,640	454	53	...	...	...	...		
District Courts other than Chief Courts of districts	..	...	..	...	.	...	...	...	...		
Chief Courts of districts	..	1	11	41	39	71	11	13	21		
Total	2,210	6,603	12,932	4,661	317	182	11	13	685	30,98,731 11 11	
II.—Revenue Courts.											
Unpaid local tribunals	...	...	...	.	...	...	...	...	...	.....	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	.. ..	
Collectors' Courts...	...	...	...	...	...	...	...	...	...	. ....	
Total	...	...	...	..	...	...	...	...	...	.....	
Courts at the Presidency or seat of Government.											
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	.. ...	
Superior Courts	...	...	..	...	...	...	...	...	...	.. ...	
Total	...	...	...	...	...	...	...	...	...	.....	
GRAND TOTAL	2,210	6,603	12,932	4,661	317	182	11	13	685	30,98,731 11 11	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of original jurisdiction in the province of British Burma exclusive of the town of Rangoon in the year 1881.

PART I.—Civil suits.

Class of Courts.	Total number of suits before the Courts.	Number of suits disposed of: Transferred to Courts in other provinces.	Without trial.	Without contest: Compromised.	Without contest: Decreed on confession.	Without contest: Decreed *ex-parte*.	Without contest: Dismissed *ex-parte*.	On reference to arbitration: For plaintiff.	On reference to arbitration: For defendant.	With contest: Judgment for plaintiff in whole or in part.	With contest: Judgment for defendant.	Pending at the close of the year.	Number of cases pending more than three months at the close of the year.*	Average duration of suits: Contested.	Average duration of suits: Uncontested.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	22,293	...	4,722	1,900	2,649	3,483	104	58	24	5,880	2,932	541	8	16	9	*Note.*—Excludes five cases which were lost in the burning of the Court-house at Poungdeh.
Paid sub-divisional tribunals	1,804	...	414	64	156	221	4	5	1	556	296	87	4	15	8	
Small Cause Courts	3,751	...	718	166	373	1,220	10	3	9	766	318	168	2	14	13	
District Courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	233	...	15	17	17	36	...	1	...	83	34	30	8	32	15	
Total ...	28,081	...	5,869	2,147	3,195	4,960	118	67	34	7,285	3,580	826	22	19	11	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts of the Presidency or seat of Government.																
Presidency Small Cause Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	28,081	...	5,869	2,147	3,195	4,960	118	67	34	7,285	3,580	826	22	19	11	

* That is, the total number of the entries in columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of original jurisdiction in the province of British Burma exclusive of the town of Rangoon in the year 1881.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF COURTS.	Total number of cases before the Courts.	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	.	.	...	...	...	...	...	...	..	...	
Village Courts	2,189	11	287	141	42	400	95	...	...	934	239	40	...	8	5	
Paid sub-divisional tribunals	314	1	36	14	14	55	7	...	...	114	57	16	...	9	4	
Small Cause Courts	410	...	22	2	2	209	54	...	...	97	19	5	...	7	5	
District Courts other than Chief Courts of districts ...	..	...	...	...	.	...	...	...	...	.	.	...	...	...	...	
Chief Courts of districts	408	...	76	1	...	133	44	...	...	97	39	18	...	19	3	
Total ...	3,321	12	421	158	58	797	200	...	...	1,242	354	79	..	11	4	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
Courts at the Presidency or seat of Government.																
Presidency Small Cause Courts	...	..	..	...	...	...	...	...	...	.	...	...	..	...	...	
Superior Courts	...	.	...	...	...	...	...	...	...	...	...	...	...	...	..	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	3,321	12	421	158	58	797	200	..	.	1,242	354	79	...	11	4	

STATEMENT No. 10 (CIVIL).

Statement showing the business of the Civil, Revenue, and Appellate Courts of the province of British Burma exclusive of the town of Rangoon in the year 1881.

PART I.—Appeals from decrees.

CLASS OF COURTS.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 351, Act X of 1877.	REMARKS.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of districts	1,703	...	...	13	248	14	21	1	743	142	382	39	100	1	26	...	
Superior Appellate Courts other than Chief Court of province ...	13	...	...	1	...	...	...	...	9	1	...	2	...	...	30	...	
Total ...	1,716	...	...	14	248	14	21	1	752	143	382	41	100	1	26	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	
Courts at the Presidency or seat of Government.																	
Chief Court of province ... Appeals from original decrees ...	7	...	...	...	1	...	...	1	3	...	2	...	...	...	106	...	
Chief Court of province ... Appeals from appellate decrees ...	200	...	...	...	58	...	8	...	37	3	21	1	72	29	106	1	
Chief Court of province ... Civil revisions	32	...	...	...	12	...	4	1	4	.	...	...	11	...	41	...	
Total ...	239	...	...	...	71	...	12	2	44	3	23	1	83	29	97	1	
GRAND TOTAL ...	1,955	...	...	14	319	14	33	3	796	146	405	42	183	30	32	1	

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the business of the Civil and Revenue Appellate Courts of the province of British Burma exclusive of the town of Rangoon in the year 1881.

PART II.—Miscellaneous Appeals (Judicial).

CLASS OF COURTS	Total number of appeals before the Court.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD *ex-parte*.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objection under section 561, Act X of 1877.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of districts	46	...	...	...	11	...	3	...	17	2	11	...	2	...	13	...	
Superior Appellate Courts other than Chief Court of province	2	...	...	...	...	...	...	...	1	...	1	...	...	...	5	...	
Total ...	48	...	...	...	11	...	3	...	18	2	2	...	2	...	12	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts of the Presidency or seat of Government.																	
Chief Court of province ... Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of province ... Do. from appellate decrees ...	4	...	...	...	2	...	...	...	...	...	...	...	2	...	155	...	
Total ...	4	...	...	...	2	...	...	...	...	...	...	...	2	...	155	...	
GRAND TOTAL ...	52	...	...	...	13	...	3	...	18	2	12	...	4	...	24	...	

Judicial Statement No. 11 (Civil).

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the province of British Burma exclusive of the town of Rangoon in the year 1881.

Class of Courts.	Total number of applications for the execution of decrees before the Courts.	Applications disposed of				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	Amount realised		Number of applications												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested but released without imprisonment.	On which moveable property		On which immoveable property			On which possession was given		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
												Was sold.	Was attached but subsequently released.	Was sold.	Was dealt with under sections 305, 322, or 320, Act X of 1877.	Was attached but subsequently released under section 275.	Of moveables.	Of immoveables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Courts in the interior.								Rs. A. P.	Rs. A. P.													
I.—Civil Courts.																						
Unpaid tribunals	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	4,512	31	2,061	848	1,302	270	1	94,695 7 10	19,344 1 6	299	1,521	470	1,407	297	58	802	48	102	2	...	112	
Paid sub-divisional tribunals ...	513	...	216	95	181	21	...	12,275 3 2	9,711 2 9	32	116	52	161	39	17	89	5	11	...	...	...	
Small Cause Courts	1,476	...	304	314	786	72	...	23,382 9 3	10,817 3 1	78	316	46	120	1	...	12	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	223	1	25	69	96	32	2	54,472 1 5	41,568 4 8	10	21	21	14	46	...	52	...	2	...	...	...	
Superior Courts...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	6,724	32	2,606	1,326	2,365	395	3	1,84,825 5 8	81,440 12 0	419	1,974	589	1,702	383	75	955	53	115	2	...	112	
II.—Revenue Courts.																						
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	.	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	- ...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																						
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	..	...	...	...	...	...	...	...	...	...	..	...	-	...	...	...	...	...	...	
Grand Total ...	6,724	32	2,606	1,326	2,365	395	3	1,84,825 5 8	81,440 12 0	419	1,974	589	1,702	383	75	955	53	115	2	...	112	

JUDICIAL STATEMENT No. 12-(CIVIL).

Statement showing the number and result of applications and proceedings under Chapter XX, Act X of 1877 in the province of British Burma, exclusive of the town of Rangoon, in the year 1881.

CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY								Number of insolvents discharged during the year under section 355	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year	AMOUNT OF CREDITORS CLAIMS DEALT WITH DURING THE YEAR		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED		REMARKS
	Total number for hearing.	Transferred to another province, withdrawn, &c	*Granted.* A receiver being appointed	*Granted.* A receiver not being appointed.	*Rejected* Penal proceedings under section 350 not being taken	*Rejected* Sentence of imprisonment being passed under section 350	*Rejected* Applicant being sent to the Magistrate to be dealt with	Pending at the close of the year			Admitted	Satisfied.	Realized during the year.	Disbursed during the year	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs A. P	Rs A. P	Rs A. P	Rs A. P	
Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	..	...	...	..	...	.....	.....	
Chief Courts of districts ...	152	25	15	65	30	3	...	12	14	6	11,630 1 11	4,151 10 4	4,733 10 7	4,741 15 10	Two applications struck off.
Superior Courts ...	...	..	...	...	...	...	...	...	..	...	..	..	... ..	...	
Total ...	152	25	15	65	30	3	.	12	14	6	11,630 1 11	4,151 10 4	4,733 10 7	4,741 15 10	

JUDICIAL STATEMENT No. 13 (CIVIL).—*Blank.*

APPENDICES TO PART III.;

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the hill district of Northern Arakan on the last day of the year 1881, with the cost of tribunals.

Name of province.		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Court.	Remarks.
							Judge of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Court of districts.	Judges of district Courts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.*		*Appeal.*				
												Regular	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PROVINCE OF BRITISH BURMA.																		
Territory subject to the High Court ...	Civil ..	...	...	...	...	...	...	..	...	...	...	...	..	...	...	...	...	
	Criminal ...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	
	Revenue ...	...	...	...	...	...		...	...	...	...	...	...	...	...	...	...	
Territory not subject to the High Court ...	Civil ...	1,015	14,499	...	1	...	...	(a) 1	(b) 1	...	(c) 1	(d) 134	...	(d) 1	...	...	...	(a) Sessions Judge, (the Commissioner of Arakan *ex-officio*).
	Criminal ...	...		...	...	...	...	...	..	...	...	...	...	...	...	...	...	(b) Deputy Commissioner of the district.
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	(c) The officer empowered as 3rd class Magistrate during the absence on leave of the Deputy Commissioner.
																		(d) One hundred and thirty-four civil cases. By Deputy Commissioner.
																		(e) Decided by, the Sessions Judge.
	Tota ...	1,015	14,499	...	1	...	...	1	1	..	1	134	...	1	...	...	...	

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the hill district of Northern Arakan in the year 1881.

Class of tribunals.	Suits for money or moveable property. Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Branch of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Suits under the rent law. Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion, or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kabulyuts.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Title and other suits. Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	26	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																						
I.—Civil Courts.																																						
Unpaid tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts ...	2	13	1	48	21	2	...	...	23	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	...	16	...	...	...	...	...	...	...	*134	
Total ...	2	13	1	48	21	2	...	...	23	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	...	16	...	...	...	...	...	...	...	134	
II.—Revenue Courts.																																						
Unpaid local tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																																						
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	2	13	1	48	21	2	...	...	23	3	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5	...	16	...	...	...	...	...	...	...	134	

* Includes 83 suits referred to paid Chief for disposal.

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing number and value of suits instituted in the Civil and Revenue Courts in the hill district of Northern Arakan in the year 1881.

Value of suit.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs. A. P.	
COURTS IN THE INTERIOR.											
I.—Civil Courts.											
Unpaid tribunals	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Village Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Paid sub-divisional tribunals	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Small Cause Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
District Courts other than Chief Courts of districts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Chief Courts of districts	52	.....	65	17	.....	.....	.....	.....	.....	6,677 8 3	
Total	52	.....	65	17	.....	.....	.....	.....	.....	6,677 8 3	
II.—Revenue Courts.											
Unpaid local tribunals	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Other subordinate Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Collectors' Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
III.—Courts at the Presidency or seat of Government.											
Presidency Small Cause Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Superior Courts	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
Total	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	
GRAND TOTAL	52	.....	65	17	.....	.....	.....	.....	.....	6,677 8 3	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of original jurisdiction in the hill district of Northern Arakan in the year 1881.

PART I.—Civil suits.

CLASS OF COURTS.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURTS.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	..	...	...	...	...	...	7·84	4·35	(a) Five cases dismissed for default. Three cases withdrawn with leave.
Chief Courts of districts	...	134	...	(a) 8	1	35	4	...	70	13	1	2	...	...		
Total	...	134	...	8	1	35	4	...	70	13	1	2	...	...	7·84	4·35
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	134	...	8	1	35	4	...	70	13	1	2	...	...	7·84	4·35

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JUDICIAL STATEMENT No. 10 (CIVIL).

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CLASS OF COURTS.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending.	Of those pending more than three months	Average duration of appeals.	Objections under section 561, Act X of 1877.	REMARKS
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.															Days.		
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Appellate Courts other than Chief Court of province ..	1	...	...	...	...	...	...	...	1	...	...	...	...	...	25	...	
Total ...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																	
Chief Court of province .. Appeals from original decrees ...	...	...	...	...	...	...	...	...	...		...	...	...	..	...	...	
Chief Court of province .. Do. from appellate decrees ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	1	...	...	...	...	...	...	..	1	...	...	...	...	...	25	...	

PART II.—MISCELLANEOUS APPEALS (JUDICIAL).—*Blank.*

STATEMENTS NOS. 11 TO 13 (JUDICIAL).—*Blank.*

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1882.

RANGOON:

PRINTED AT THE GOVERNMENT PRESS.

1883.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1882.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 8B., dated the 28th July 1883.

READ—

Reports on the administration of civil justice in British Burma during the year 1882.

RESOLUTION.—The Civil Courts of this province are constituted under the Burma Courts Act, 1875. The Superior Courts are the Court of the Recorder of Rangoon and that of the Judicial Commissioner and the Special Court, in which the Recorder and the Judicial Commissioner sit together. The Recorder has original jurisdiction within the limits of the town of Rangoon, but no appellate jurisdiction; the Judicial Commissioner has no original jurisdiction, but sits as the Chief Court of civil appeal in cases arising beyond the limits of Rangoon and Moulmein and exercises generally the powers of a High Court; the Special Court exists only as a Court of reference and as the Court of appeal from the Court of the Judge of Moulmein and of the Judicial Commissioner exercising transferred jurisdiction. Four Commissioners act as Courts of appeal from the decisions of District Judges in the exercise of their original civil jurisdiction. Eighteen Deputy Commissioners and the Judge of Moulmein have the powers of District Judges as regards original and appellate jurisdiction. One hundred and thirty Assistant Commissioners and Extra Assistant Commissioners, some of whom are invested with the powers of a Court of Small Causes, dispose of the bulk of the original civil work of the province. In Rangoon the Court of Small Causes disposes of civil suits up to the value of Rs. 1,000. Apart from the desirability of re-organizing the constitution of the Superior Courts, the necessity of placing the jurisdictions of the Subordinate Courts on a more satisfactory footing, and particularly of relieving Deputy Commissioners of some part of their civil appellate work, has of late been brought prominently to notice. Proposals to effect the latter object have been submitted to the Government of India. The only changes of any moment made in the constitution of the Civil Courts during the past year were the appointment of a second Judge in the Court of Small Causes at Rangoon and the establishment of Small Cause Courts at Prome and Tharrawaddy.

2. The total number of regular suits instituted during the year under review was 32,267 as compared with 31,363 in the previous year. There was a considerable increase in the number of cases in the Courts of the Prome district and a marked decrease in the number in Bassein. The business of the Rangoon Court of Small Causes increased, but it was divided between two Judges. The

character of the litigation calls for no special comment, the most noticeable point in the returns being the increase in the number of suits for rent from 504 to 896 cases. In addition to regular civil suits 7,267 miscellaneous cases were brought before the Courts as compared with 5,931 cases of a similar description in 1881. There was again a considerable decrease in the number of suits instituted in the Court of the Recorder of Rangoon. In the year 1880 453 suits were instituted in the Recorder's Court; in 1881 the number fell to 407 and in 1882 to 357. In the year 1882 the expenditure of the Court exceeded the receipts by over Rs. 12,000. The Chief Commissioner refrains from commenting upon these figures and upon sundry matters in connection with the working of the Rangoon Courts, to which his attention has recently been directed, until such time as he shall have received the further reports upon these subjects with which Mr. Allen has promised shortly to favour him.

3. *Value of suits.*—The value of the subject-matter of original suits decreased from Rs. 46,18,276 in 1881 to Rs. 42,68,984 in the year under review. The average value of each suit in the two years was Rs. 147 and Rs. 135 respectively. Of the total number of suits to which a money value can be assigned, 25,317, or a little more than 80 per cent., were concerned with property not exceeding Rs. 100 in value. There was a marked decrease in the value of suits in the Court of the Recorder of Rangoon. In the Courts under the control of the Judicial Commissioner there was an increase, but, if one suit of abnormally large value at Akyab be excluded, the total value of suits in these Courts was less than in any year since 1877. The statement showing the value of suits attached to the Judicial Commissioner's report is not in the prescribed form. In future reports the statement should be prepared in accordance with the orders of the Government of India.

4. *Disposal of civil work.*—The number of suits disposed of increased from 31,048 in 1881 to 32,461 in the year under review. The following table shows the number and proportion of suits disposed of by the various classes of Courts during the past two years :—

	Number of cases.		Percentage.	
	1881.	1882.	1881.	1882.
Superior Courts	182	157	·59	·48
District Courts	337	268	1·08	·83
Small Cause Courts	7,060	7,677	22·74	23·65
Other Subordinate Courts	23,469	24,359	75·59	75·04

The distribution of work scarcely varied in the two years. Of the total number of cases disposed of, 12,309, or 37·92 per cent., were contested. The number of cases compromised was 2,386, almost exactly the same as in 1881. The number of suits in which the defendant appeared and admitted the claim increased from 3,516 in 1881 to 4,558 in the year under review, while the number of cases decreed *ex-parte* fell from 6,062 to 5,525. The Judicial Commissioner regards these figures as very satisfactory, inasmuch as they indicate that the illegal procedure of deciding cases *ex-parte* without proof of service of summons on the defendant

or of the claim is becoming less frequent. There was a decrease in the number of cases referred to arbitration. As regards the result of suits, it may be noticed that, excluding cases which were compromised, the plaintiff was successful in 18,323 suits, or more than 80 per cent. of the cases actually tried. In contested cases the plaintiff was successful in nearly 66 per cent. of the suits decided.

5. *Duration of suits.*—The following table shows the average duration of suits in the various classes of Courts:—

	Contested.	Uncontested.
Superior Courts	96	36
District Courts	37	24
Small Cause Courts	18	14
Other Subordinate Courts	16	6

The duration of cases was somewhat longer than in the previous year, but on the whole the business of the Courts appears to have been despatched with reasonable promptitude. The number of cases pending at the close of 1882 was 965 as compared with 1,055 cases on the files at the end of the previous year.

6. *Execution of decrees.*—There were 8,581 applications for execution before the Courts as compared with 7,952 in the previous year. In 4,616 cases, or 53·8 per cent. of the total number, full or partial satisfaction was obtained. In 3,453 cases, or 40·24 per cent. of the whole, the applications were entirely infructuous. The proportion of cases in which nothing was realized in the execution of the decree was in 1881 38 per cent. and in 1880 36 per cent. The increase in the number of fruitless applications is not satisfactory, but no inference can fairly be drawn from it. Processes of imprisonment were issued in 2,654 cases, or only three less than in the previous year, but the number of persons actually imprisoned decreased from 529 to 486. If the provisions of the 4th paragraph of section 336, Civil Procedure Code, are duly observed, it is probable that the number of persons imprisoned for debt will continue to decrease. Sales of immoveable property increased from 400 in 1881 to 527 in the year under review.

7. *Appeals.*—The number of regular appeals before the Courts decreased from 1,938 in 1881 to 1,786 in the past year. Of these, 18 were before the Special Court. Appeals were lodged during the year in 14·8 per cent. of the total number of appealable cases decided after contest. The number of appeals disposed of was 1,597 as compared with 1,765 in the previous year. Of 1,403 regular appeals disposed of by Chief Courts of districts, 36·27 per cent. were more or less successful; the corresponding proportion in 14 appeals decided by Commissioners was 35·71 per cent. and in 171 cases disposed of by the Judicial Commissioner 30·4 per cent. The Special Court decided 9 appeals and reversed the finding of the Lower Court in 33·33 per cent. of the cases heard. In 62·5 per cent. of the total number of appeals disposed of the decision of the Court of first instance was upheld. The average duration of appeals was 30 days in Deputy Commissioners' Courts, 38 days in Commissioners' Courts, and 115 days in the Court of the Judicial Commissioner.

8. *Special proceedings.*—In the Recorder's Court 20 insolvency cases were instituted as compared with 31 in the previous year. In the Courts under the

control of the Judicial Commissioner there were 202 applications for declarations of insolvency as compared with 152 in 1881. There were also nine cases of a similar nature in the Rangoon Court of Small Causes. The number of persons discharged and applications granted increased from 108 in 1881 to 144 in the year under review. Other special proceedings were two vice-admiralty suits in the Recorder's Court.

9. In compliance with the orders contained in the Chief Commissioner's Resolution on the Civil Justice Report for 1881, statements are appended to the provincial reports showing the cost of litigation under various heads during the past year. In the Courts under the supervision of the Judicial Commissioner the total amount of costs in original suits was Rs. 4,51,071, or 14·57 per cent. of the money value of the suits. In appeals the costs amounted to Rs. 53,881, or 20·3 per cent. of the value. Advocates' fees amounted to 3·83 per cent. of the value in original suits and to 9·62 per cent. in appeals. Costs of execution of decrees amounted to 1·79 per cent. of the value of the decrees executed. The cost of original litigation varied from 5·3 per cent. of the value in Akyab to 33·7 per cent. in Sandoway and 34·1 per cent. in Tharrawaddy.

10. The work of the Subordinate Courts appears to have been efficiently supervised by the Judicial Commissioner and by the Commissioners and Deputy Commissioners acting under his control. The Judicial Commissioner is of opinion that constant inspection of the records of cases and careful instruction in procedure have done much to improve the administration of civil justice in the province. Rapid progress has been made in the work of translating legislative enactments, and all Courts are now supplied with the Acts which they have to administer in the vernacular of the presiding officers. The Judicial Commissioner has devoted much attention to the investigation of the sources of Buddhist law and the authorities by which decisions under that law should be governed. These researches may have the result of reducing to order the somewhat confused mass of law and custom at present administered as Buddhist law in the provincial Courts. The Judicial Commissioner will no doubt watch and carefully guide the Courts in applying the principles of the books to the existing circumstances of the people.

By order,

E. S. SYMES,

Offg. Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1882.

PART I.

Courts exercising jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1882 there were 15 regular appeals from the decision of the Judge of the Town of Moulmein, and 3 were pending at the close of the year 1881, making in all 18 appeals for disposal. Of these 9 were disposed of and 9 were pending at the close of the year. In the previous year 7 appeals were filed and 5 disposed of.

2. The following is the comparative table showing results of the two past years :—

Year.	Number of appeal pending at the close of 1881.	Number of appeals instituted in 1882.	Total for disposal.	Result.						
				Rejected.	Confirmed.	Modified.	Reversed.	Compromised.	Struck off.	Pending.
1881	3	7	15	2	5	1	2	1	1	3
1882	3	15	18	..	4	...	3	2	...	9

3. Besides the above there was one civil miscellaneous appeal filed during the year, which was dismissed.

4. There was one civil reference referred by the Court of the Judicial Commissioner to this Court for determination under section 76 of the Burma Courts Act (XVII of 1875), which was also disposed of.

5. The revenue of the Court during the year from court-fee stamps amounted to Rs. 5,520-7-0 and the expenditure to Rs. 1,800. In the previous year the revenue was Rs. 401-3-0 and the expenditure Rs. 1,800.

6. The Judges of the Court throughout the year were Mr. C. J. Wilkinson and Mr. John Jardine.

Rangoon :
The 21st March 1883.

JOHN JARDINE,
C. F. EGERTON ALLEN,
Judges of the Special Court, British Burma.

COURT OF THE RECORDER, RANGOON.

Report on the Administration of Civil Justice in the Court of the Recorder of Rangoon and in the Court of Small Causes, Rangoon.

THE following returns and tables have been compiled and submitted to me by the Registrar of my Court.

2. For the Court of the Recorder during the year 1882, 168 regular suits (including 2 admiralty), 20 insolvency, and 169 miscellaneous cases, or a total of 357 cases, were instituted as against 187 regular (including 5 matrimonial and 5 vice-admiralty), 31 insolvency, and 189 miscellaneous cases, or 407 cases altogether instituted in the previous year, being a decrease of 11 regular, 5 matrimonial, 3 admiralty, 11 insolvency, and 20 miscellaneous, or a total decrease of 50 cases. There were pending at the close of the year 1881 21 regular, 12 insolvency, and 7 miscellaneous cases, thus making in all 397 cases for disposal, of which 155 regular, 2 admiralty, 18 insolvency, and 173 miscellaneous were disposed of as against 178 regular, 5 matrimonial, 7 vice-admiralty, 34 insolvency, and 186 miscellaneous in the previous year. At the close of the year under review there were 32 regular, 14 insolvency, and 3 miscellaneous cases pending.

3. The total value of suits instituted during the year was Rs. 7,36,070; and the amount of court-fee stamps realized from regular suits, processes, probates, and letters-of-administration was Rs. 36,904, whilst the total value of suits disposed of was Rs. 6,51,358. In the previous year the value of suits instituted was Rs. 11,90,059 and the court-fee stamps amounted to Rs. 53,959, the value of suits disposed of having been Rs. 7,67,637.

4. The following table shows the above particulars in comparison with the year 1881:—

Year.	Number of suits instituted.						Number of suits disposed of.						Number of suits pending.						Value of suits instituted.	Value of suits disposed of.
	Regular.	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.		
																			Rs.	Rs.
1881 ...	177	5	5	31	189	407	178	5	7	34	186	410	21	...	...	12	7	40	11,90,059	7,67,637
1882 ...	166	...	2	20	169	357	155	...	2	18	173	348	32	...	...	14	*3	49	7,36,070	6,51,358
Increase ...	...	...	...	...	...	...	...	...	...	...	...	...	11	...	...	2	...	9	...	...
Decrease ...	11	5	3	11	20	50	23	5	5	16	13	62	...	...	...	...	4	...	4,53,989	1,16,279

* These do not include the five applications for execution of decrees shown in statement XI, column 7, which were not completely executed at the close of the year.

Statement of court fees realized.

Year.	Process fees.	Amount realized under Act VII of 1870, schedule I, articles 1 to 9 inclusive.	Amount realized under the same schedule, Nos. X. to XII.	Amount realized under schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1881	1,485 4 0	25,539 4 0	25,813 0 0	1,121 15 0	53,959 7 0
1882	1,737 8 0	21,081 9 0	13,030 0 0	1,055 4 0	36,904 5 0
Increase ...	252 4 0	...	...	...	...
Decrease ...	...	4,457 11 0	12,783 0 0	66 11 0	17,055 2 0

5. There has been a decrease in the value of suits instituted of Rs. 4,53,989 and in court-fee stamps of Rs. 17,055.

6. Of the 157 regular and admiralty cases disposed of, 84 were contested and 73 uncontested. The average duration of cases during the year was 96 days for contested cases and 36 days for uncontested cases, whereas in the previous year it was 77½ and 35½ days respectively.

7. During the year there were 2 appeals preferred from decrees of this Court, one to the High Court, Calcutta, and the other to the Privy Council, both of which were pending at the close of the year. The result of the 2 appeals pending at the close of the year 1881 was as follows. In one case the decree of this Court was reversed; and in the other case the decree of this Court was affirmed but only modified with regard to costs.

8. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Classes.	Number of probates granted.	Number of letters-of-administration granted.	Number of letters-of-administration with will granted.	Value of estates.
				Rs.
Europeans and Eurasians	2	1	...	11,500
Buddhists ... Burmese	...	4	...	25,301
Buddhists ... Chinese	...	3	...	7,200
Mahomedans	2	8	1	4,41,620
Hindus	...	...	1	1,25,000
Total ...	4	16	2	6,10,621

9. In the previous year there were 6 probates and 16 letters-of-administration granted. The value of the estates was Rs. 12,79,500 and the court-fee stamps Rs. 25,813, being Rs. 12,783 more than the year under review.

Vice-admiralty Jurisdiction.

10. There were two suits filed under this jurisdiction during the year, the value of which was Rs. 26,639 (already included in the value of suits). Both were disposed of during the year. In the previous year there were 5 cases of the aggregate value of Rs. 7,123.

Insolvency Jurisdiction.

11. There were 20 petitions presented under this jurisdiction during the year, of which one was an application to have a verified copy of "the Act and warrant of confirmation" obtained under the Scotch Bankruptcy Act registered in this Court, one by creditors to have a person adjudicated insolvent, and 18 were

for personal discharge; and the petitions of 15 persons were pending at the close of the previous year.

12. The following table shows the particulars of the insolvency cases:—

Town.	Number of persons whose applications were pending at the close of 1881.	Number of petitions filed during 1882.	Number of persons.	Total number of persons.	Result.							
					Personal discharge granted.	Final discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn with leave.	Struck off in default.	Pending.
Rangoon ...	8	16	16	24	7	...	1	...	...	4	4	8
Moulmein ...	8	8	4	7	1	...	...	...	...	...	...	6
Akyab ...	8	1	1	4	...	...	...	...	...	...	2	2
Bassein ...	1	...	...	1	1	...	...	...	...	...	...	...
Total ...	15	20	21	36	9	...	1	...	...	4	6	16

In the previous year there were 31 petitions presented by 35 persons. During the year the Recorder visited Moulmein once, Akyab once, and Bassein once.

13. The total revenue of the Court during the year was Rs. 36,950-9-0, and the expenditure was Rs. 49,174-8-4. The following statement gives in detail the receipts and expenditure:—

Receipts.	Rs.	A.	P.	Expenditure.	Rs.	A.	P.
Amount realized by court-fee stamps	86,904	5	0	Recorder's salary	34,560	0	0
Amount realized by fines ...	85	0	0	Establishment	11,811	15	4
Amount realized by sale of empty stationery cases ...	0	4	0	Process-serving establishment, being one-third of bailiff's salary and two peons, the remainder being charged to the Small Cause Court ...	1,168	0	0
Amount realized by sale of unserviceable furniture ...	11	0	0	Contingencies	891	13	0
Excess of expenditure over receipts	12,223	15	4	Rates and taxes	420	0	0
				Travelling allowance	822	12	0
Total ...	49,174	8	4	Total ...	49,174	8	4

NOTE.—The salary of the Chinese interpreter is not included in the expenditure, he being chiefly engaged in the Magistrate's Court.

COURT OF SMALL CAUSES, RANGOON.

14. During 1881 Mr. Lingham was the only Judge, and in 1882, from the 17th January, Moung San Hla Baw an Extra Assistant Commissioner, was appointed Second Judge, and he sat up to the 21st December 1882, when Moung Ba Wa, also an Extra Assistant Commissioner, was appointed *vice* Moung San Hla Baw, and he took charge on the 22nd December 1882.

15. Mr. Lingham was on privilege leave from the 2nd March to the 24th May 1882; Captain Grey, an Assistant Commissioner, officiated from the 6th March to the 15th April, when Mr. VanSomeren, the Assistant Government Advocate, officiated till Mr. Lingham's return.

16. During the year there were instituted 3,870 regular and 2,614 miscellaneous suits, or in all 6,484, against 5,581 in the previous year, being an increase of 903 suits of all kinds; or there was an increase of 403 regular and 500 miscellaneous.

17. The total value of suits was Rs. 3,54,166 against Rs. 3,22,787, being an increase in the value of the regular suits to the extent of Rs. 31,379.

18. In the First Judge's Court 1,894 regular and 2,442 miscellaneous, or 4,336 suits of all kinds, were disposed of against 3,477 regular and 2,118 miscellaneous, or 5,595 suits of all kinds, in the previous year. Besides these 2,100 regular and 139 miscellaneous cases were disposed of by the Second Judge against 384 regular and 248 miscellaneous. There were pending at the close of the year 205 regular and 84 miscellaneous suits, in all 289.

19. The number of cases decided after contest was 560 in the First Judge's Court, with an average duration of 29·76 days, and 587 in the Second Judge's Court, with an average duration of 21·14 days. The number of contested cases in the First Judge's Court was 560, with an average duration of 29·76 days, and uncontested cases 1,334, with an average duration of 21·69 days, as against 34·36 and 26·78 days respectively in the previous year. The average duration of the 587 contested cases and 1,513 uncontested cases heard before the Second Judge was 21·14 days and 15·86 days respectively.

20. The following statement shows the particulars of the miscellaneous suits other than applications for execution of decrees :—

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Pending at the close of the year.
Reference to High Court...	...	4	4	4	...	...	...	...
For removal of attachment	1	32	33	9	23	...	...	1
To sue *in formâ pauperis*	1	18	19	5	14	...	...	...
For new trial	1	40	41	3	37	...	...	1
To set aside *ex-parte* decree	...	29	29	17	10	...	...	2
For review of judgment	...	12	12	2	10	...	...	...
Applications for certificate of non-satisfaction with copy decree for execution in other Courts	...	79	79	79	...	...	...	...
Commission from other Courts to examine witnesses	1	27	28	...	...	16	9	3
Processes from other Courts forwarded to this Court for service	1	537	538	...	...	174	340	24
Applications under Chapter XX, C. P. C. ...	2	7	9	4	5	...	...	...
To furnish security before judgment ...	...	80	80	48	32	...	...	...
Other cases	12	286	298	175	108	...	...	15
Total ...	19	1,151	1,170	346	239	190	349	46

21. The following table shows the receipts and expenditure during the year, from which it will be seen there was a surplus of Rs. 4,683 :—

Receipts	Amount.	Expenditure.	Amount.	Total.
	Rs. A. P.		Rs. A. P.	Rs. A. P.
Amount realized by stamps ..	28,721 4 0	First Judge's pay	13,378 3 7	
Tullubana fund collected in cash ...	5,468 8 0	Second Judge's pay	5,241 14 11	18,620 2 6
Fines	8 0 0	Establishment ...	7,204 11 4	
By sale of unserviceable furniture ..	26 4 0	Contingencies .. .	803 10 4	8,008 5 8
By sale of empty stationery cases ...	0 4 0	Two-thirds share of the bailiff's pay, two-thirds share of the head peon's pay and pay of eight peons of the bailiff's establishment debited to this Court by direction of the Recorder of Rangoon	...	2,012 0 0
General		*General.*		
Amount of interpreters' fee realized during the year	2,124 8 0	Amount disbursed to the interpreters during the year ...	...	2,124 8 0
		Total ...	...	31,665 0 2
		Balance of receipts over expenditure ...	...	4,683 11 10
Total ..	36,348 12 0	Total ...	...	36,348 12 0

GENERAL REMARKS.

22. In this report on the administration of civil justice in the town of Rangoon I can do little more than forward the above returns and tables prepared by the Registrar and add the different statements sanctioned and required by the present orders. I am unable to furnish a full report now because I have only lately taken charge of the office of Recorder, and though I can see that a great deal of work connected with the administratton of civil justice requires immediate attention, I cannot keep back this report so long as to enable me to embody in it even a few of the subjects on which report is needed. I will send in as I acquire a sufficient knowledge of the facts future reports on the different parts of the administration of civil justice which in my opinion require them. The local Government has itself raised questions concerning the working of the Administrator-General's Act in this province and the working of the insolvency jurisdiction of the Court of the Recorder, besides questions concerning the working of the Court generally; there are also questions as to the vice-admiralty jurisdiction of the Recorder's Court; and there are questions as to the establishments both of the Recorder's and the Small Cause Court: on all these matters I hope to write separate reports when I have had more time to consider them.

RANGOON:
The 13th June 1883.

C. F. EGERTON ALLEN,
Officiating Recorder.

PART II.

Courts under the supervision of the Judicial Commissioner.

From JOHN JARDINE, Esq., Bo. C.S., Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 505-1, dated the 20th March 1883.

I HAVE the honour to submit the Annual Report on the Administration of Civil Justice (exclusive of the jurisdiction of the Recorder of Rangoon) for the year 1882, together with the statistical returns. I send as an appendix the report on costs of litigation asked for in the Chief Commissioner's Resolution of last year.

2. I performed the duties of Judicial Commissioner for the whole of that year.

3. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year:—

Division.	District.	Instituted.		Disposed of.		Pending at close of year.			
						Above four months.		*Total pending.*	
		1881.	1882.	1881.	1882.	1881.	1882.	1881.	1882.
ARAKAN.	Akyab	1,430	1,496	1,425	1,515	2	...	44	25
	Akyab Small Cause Court	508	539	515	536	...	...	2	5
	Kyoukpyoo	580	524	578	520	...	...	4	8
	Sandoway	320	271	320	270	...	...	1	2
	Total	2,838	2,830	2,838	2,841	2	...	51	40
PEGU.	Hanthawaddy	2,576	2,071	2,565	2,035	...	5	48	64
	Tharrawaddy	2,174	2,170	2,144	2,190	2	...	58	38
	Tharrawaddy Small Cause Court		160		160		...		...
	Prome	2,208	2,526	2,187	2,491	...	...	52	87
	Prome Small Cause Court		144		144		...		.
	Total	6,958	7,071	6,896	7,020	2	5	158	209
IRRAWADDY.	Henzada	2,369	2,483	2,311	2,523	...	5	99	59
	Bassein	3,615	3,355	3,549	3,394	2	1	134	95
	Bassein Small Cause Court	229	82	232	82	...	...	...	..
	Thonegwa	2,916	3,209	2,936	3,199	...	...	41	51
	Thayetmyo	920	1,091	911	1,095	1	...	34	30
	Thayetmyo Small Cause Court, Assistant Judge	74	...	74	...	...	...	8	...
	Thayetmyo Small Cause Court, Judge	2	68	2	74	...	...	..	2
	Total	10,125	10,288	10,015	10,367	3	6	316	237
TENASSERIM.	Amherst	1,658	1,512	1,675	1,517	...	...	31	26
	Shwaygyin	1,095	1,244	1,104	1,206	...	...	30	68
	Shwaygyin Small Cause Court	211	213	202	217	...	...	9	5
	Toungoo	742	737	733	737	...	...	11	11
	Toungoo Small Cause Court	301	331	300	351	...	...	1	1
	Tavoy	540	498	545	497	...	...	5	6
	Mergui	640	560	605	599	5	...	41	2
	Salween	37	29	38	28	...	...	...	1
	Moulmein Judge's Court	189	117	134	126	8	7	25	16
	Moulmein Small Cause side	2,257	2,097	2,261	2,139	2	9	148	106
	Total	7,020	7,338	7,597	7,307	15	16	301	242
	GRAND TOTAL	27,541	28,127	27,346	28,225	22	27	826	728
	Increase	...	586	...	879	...	5	...	...
	Decrease	..	...	...	...	...	...	...	98

Increase and decrease in the different districts during the year:—

District.	Increase.		Decrease.	
	Instituted.	Disposed of.	Instituted.	Disposed of
Akyab	97	111	...	...
Kyoukpyoo	...	...	56	58
Sandoway	...	...	49	50
Hanthawaddy...	95	70	..	...
Tharrawaddy	156	206	...	...
Prome	462	448	...	...
Henzada	114	212	...	...
Basscin	...	...	407	805
Thonegwa	293	263	...	...
Thayetmyo	163	182	...	...
Amherst	...	...	146	158
Shwaygyin	151	117	...	...
Toungoo	25	35	...	...
Tavoy	...	...	42	48
Mergui	...	...	80	6
Salween	...	...	8	10
Moulmein	...	...	182	180

The decreases in Kyoukpyoo, Sandoway, Bassein, and Amherst are surmised to be caused by the lower price of paddy. The increases in Prome are supposed to result from better trade at Prome, Poungdeh, and Shwaydoung, and the increase in Tharrawaddy to the establishment of a new Court at Minhla. Where so much is problematical, I refrain from noticing the minor variations.

As explanations are given of delays in pending suits, I see no reason to repeat them here.

4. The following table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	District.	Number of suits: On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Arakan.	Akyab	213	219	...	303	116	112	78	166	140	45	9	32	63	1,496
	Akyab Small Cause Court	.	117	1	174	113	48	13	69	4	...	...	...	...	539
	Kyoukpyoo	88	48	4	58	68	9	13	65	61	40	5	16	44	*528
	Sandoway	32	24	17	15	29	4	2	39	33	37	1	19	19	271
	Total ...	333	408	22	550	326	173	106	339	238	131	15	67	126	2,834
Pegu.	Hanthawaddy ...	929	565	35	44	378	26	137	180	165	25	...	66	131	†2,681
	Tharrawaddy... ..	137	297	8	187	281	9	4	208	672	192	...	79	86	2,170
	Tharrawaddy Small Cause Court ...	8	50	3	11	49	..	1	17	21	...	...	...	...	160
	Prome	357	276	18	113	435	239	20	208	436	168	31	118	107	2,526
	Prome Small Cause Court	21	...	2	27	54	32	...	...	...	8	...	...	...	144
	Total ...	1,452	1,188	66	382	1,197	306	162	673	1,294	393	31	263	274	7,681
Irrawaddy.	Henzada	328	272	5	146	207	125	11	323	580	138	1	79	169	2,483
	Bassein	578	608	69	244	580	181	12	344	488	89	...	121	12	3,355
	Bassein Small Cause Court	34	21	3	1	20	3	...	...	...	...	...	...	...	82
	Thonegwa	526	523	20	233	578	198	31	320	515	79	...	72	105	3,209
	Thayetmyo	4	...	25	305	208	87	27	111	280	27	...	42	25	1,091
	Thayetmyo Small Cause Court, Assistant Judge	...	...	...	...	...	...	...	...	...	...	...	...	...	.
	Thayetmyo Small Cause Court, Judge .	13	19	...	4	25	...	...	1	...	...	...	...	6	68
	Total ...	1,483	1,443	151	933	1,717	594	81	1,099	1,822	333	1	314	317	10,288
Tenasserim.	Amherst	177	108	32	446	141	15	101	176	102	57	...	49	108	1,512
	Shwaygyin	311	136	35	172	284	9	...	72	59	29	3	33	101	1,244
	Shwaygyin Small Cause Court	52	22	...	1	43	...	...	...	...	...	...	..	95	213
	Toungoo	93	69	5	76	104	36	36	65	74	39	5	* 35	98	737
	Toungoo Small Cause Court	86	44	2	28	78	2	12	33	...	..	...	...	46	331
	Tavoy	112	87	6	...	87	9	31	63	23	48	...	1	31	498
	Mergui	280	46	...	8	124	43	4	17	17	12	...	9	...	560
	Salween	4	10	2	5	4	...	...	...	3	...	..	1	..	29
	Moulmein Judge's Court	30	1	1	4	1	3	...	3	2	3	1	13	55	117
	Moulmein Small Cause side	1,104	148	27	59	343	213	22	63	14	...	...	...	104	2,097
	Total ...	2,251	671	110	799	1,209	330	206	492	294	188	9	141	638	7,338
	Grand Total ...	5,519	3,710	349	2,664	4,449	1,403	555	2,603	3,648	1,045	56	785	1,355	28,141
	In 1881 ...	5,595	4,536	315	1,317	4,006	1,843	247	2,744	3,784	1,286	51	973	883	27,580
	Increase ...	...	...	34	1,347	443	...	308	...	...	...	5	...	472	561
	Decrease ...	76	826	...	...	...	440	...	141	136	241	...	188	...	...

These figures call for little remark. The difficulty in purchasing stamps is given as a reason for the decrease from 449 to 177 on written obligation in Amherst. An increase in rent suits of 121 occurred in the Hanthawaddy district, and is imputed to the low price of paddy affecting the means of the peasantry : no reason is given for the increase of 81 in Amherst. Suits for damages have again decreased : the Commissioner of Irrawaddy reports that there is a marked improvement in the exercise of discretion in fixing the amounts. In Bassein suits for damages have fallen from 1,059 in 1878 to 488 in 1882. There has also been in the province a decrease of 241 in suits for immoveable property.

*Includes 4 pending from last year. | †Includes 10 pending from last year.

5. The value of original suits was as follows :—

Division.	District.	Number of suits disposed of valued at not exceeding								Above Rs. 1,00,000.	Total value of suits.
		Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.		Rs. A. P.
Arakan.	Akyab	108	280	617	406	44	33	1	1	1	8,56,520 0 7
	Akyab Small Cause Court ..	61	174	301	..	..	..	..	..	..	16,576 1 0
	Kyoukpyoo	80	150	224	45	1	2	..	..	..	26,720 3 5
	Sandoway	72	74	93	21	..	..	..	..	..	9,223 15 6
	Total ..	321	678	1,235	472	45	35	1	1	1	9,09,040 4 6
Pegu.	Hanthawaddy	60	538	1,239	664	62	24	..	1	..	3,70,295 3 1
	Tharrawaddy	207	588	1,065	246	9	1	..	..	..	97,824 11 5
	Tharrawaddy Small Cause Court	33	68	59	..	..	..	..	..	..	2,904 9 4
	Prome	231	649	1,146	391	33	15	..	..	..	1,96,429 2 1
	Prome Small Cause Court ..	27	62	55	..	..	..	..	..	..	2,304 8 3
	Total ..	558	1,905	3,564	1,301	104	40	..	1	..	6,69,758 2 2
Irrawaddy.	Henzada	165	570	1,307	378	14	3	..	..	..	1,59,640 6 8
	Bassein	207	792	1,643	607	42	13	..	..	..	2,67,563 12 11
	Bassein Small Cause Court ..	14	56	12	..	..	..	..	..	..	1,492 0 0
	Thonegwa	268	706	1,576	539	19	5	..	..	..	2,11,801 13 0
	Thayetmyo	153	275	494	123	5	..	..	..	..	50,167 11 7
	Thayetmyo Small Cause Court, Assistant Judge ..	..	..	..	..	..	..	..	..	..	....
	Thayetmyo Small Cause Court, Judge	10	43	20	1	..	..	..	..	..	1,702 7 3
	Total ..	817	2,442	5,052	1,648	80	21	..	..	..	6,92,368 3 5
Tenasserim.	Amherst	94	350	780	247	16	12	2	..	..	1,38,715 2 7
	Shwaygyin	76	275	547	241	11	7	..	..	..	1,02,186 6 7
	Shwaygyin Small Cause Court	33	96	88	..	..	..	..	..	..	2,407 7 2
	Toungoo	81	172	272	145	9	10	..	..	..	69,384 12 10
	Toungoo Small Cause Court	48	140	143	..	..	..	..	..	..	8,527 8 1
	Tavoy	37	160	212	70	15	3	..	..	..	40,496 5 5
	Mergui	36	146	334	80	3	..	..	..	..	35,775 8 11
	Salween	2	4	12	7	2	1	..	..	..	4,989 14 10
	Moulmein Judge's Court ..	..	..	7	32	16	42	5	9	..	2,41,787 8 0
	Moulmein Small Cause Side..	74	579	1,031	406	49	..	..	..	..	1,79,180 8 0
	Total ..	481	1,922	3,426	1,231	121	75	7	9	..	8,28,401 2 5
	Grand Total ..	2,177	6,947	13,277	4,652	350	171	8	11	1	30,94,567 12 6
	In 1881 ..	2,167	6,503	12,862	4,641	308	175	9	12	1	27,20,078 10 1
	Increase ..	10	444	415	11	42	..	..	..	..	3,74,489 2 5
	Decrease ..	..	..	..	..	..	4	1	1	..	....

Note.—This table excludes 631 suits the value of which cannot be estimated in money.

The total value of suits disposed of in 1882 increased by Rs. 3,74,489. There was an increase at Akyab from Rs. 2,71,727 to Rs. 8,56,520, one suit for Rs. 6,17,648 being filed. In Amherst, where in 1881 a suit for Rs. 1,58,890 was filed, the value has fallen from Rs. 3,43,736 to Rs. 1,38,715. There has been some increase in Prome. The disposal by the Judge of Moulmein was Rs. 4,20,918 as against Rs. 4,52,935 in 1881. The increase of business in the Courts under my superintendence is on the whole very great as the figures of several years prove. The totals disposed of were in—

	Rs.
1876	19,05,546
1877	22,09,070
1878	25,17,041
1879	28,77,440
1880	25,54,920
1881	27,20,078
1882	30,94,567

But if the great Akyab suit be excluded, the value would not differ much from the total of 1878.

The number of suits above Rs. 1,000 in value have fallen from 197 to 191.

6. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	District.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Arakan.	Akyab	*1,537	0	...	237	65	170	254	225	1	385	165	1,512	25	1
	Akyab Small Cause Court ...	541	4	...	89	49	1	62	141	...	140	44	530	5	...
	Kyoukpyoo	526	...	...	78	11	95	103	29	7	124	73	520	8	...
	Sandoway	272	...	..	24	5	52	39	23	2	72	53	270	2	...
	Total ...	2,876	13	...	428	130	318	458	418	10	727	335	2,838	40	1
Pegu.	Hanthawaddy	2,710	1	7	670	18	193	546	393	7	501	180	2,635	84	20
	Tharrawaddy	2,228	17	...	505	14	199	193	100	8	708	385	2,190	38	1
	Tharrawaddy Small Cause Court	160	...	...	30	2	1	33	26	1	44	23	160	...	...
	Prome	2,578	3	1	534	15	129	345	319	3	736	406	2,491	87	...
	Prome Small Cause Court ...	144	1	...	39	...	7	47	24	...	21	5	144	...	...
	Total ...	7,820	22	8	1,778	49	529	1,164	922	19	2,100	1,008	7,620	209	21
Irrawaddy.	Henzada	2,582	..	8	527	59	194	321	223	14	717	434	2,523	59	26
	Bassein	3,469	31	...	885	43	266	391	436	5	892	440	3,394	95	5
	Bassein Small Cause Court...	92	...	...	10	...	2	14	15	..	30	2	92	...	...
	Thonegwa	3,250	...	5	965	40	204	375	462	2	661	471	3,199	51	14
	Thayetmyo	1,125	17	9	214	16	165	129	97	1	326	121	1,095	30	...
	Thayetmyo Small Cause Court, Assistant Judge ..	...	...	...	...	...	...	...	..	...	...	...	...	...	...
	Thayetmyo Small Cause Court, Judge	76	...	...	11	4	...	24	12	...	11	12	74	2	...
	Total ...	10,604	48	22	2,612	162	831	1,254	1,245	22	2,646	1,480	10,367	237	45
Tenasserim.	Amherst	1,543	4	4	243	44	88	254	257	21	409	190	1,517	26	3
	Shwaygyin	1,274	6	3	195	15	150	295	155	6	241	131	1,206	68	9
	Shwaygyin Small Cause Court	222	...	3	30	1	11	30	43	...	67	26	217	5	...
	Toungoo	748	1	...	107	17	65	128	26	1	278	118	737	11	1
	Toungoo Small Cause Court	332	...	...	69	1	3	103	26	1	95	33	331	1	...
	Tavoy	503	...	...	60	10	...	110	27	1	210	79	497	6	...
	Mergui	601	...	...	52	28	...	247	77	...	138	57	599	2	...
	Salween	29	...	1	2	3	1	...	3	...	17	1	28	1	...
	Moulmein Judge's Court ...	142	...	4	3	4	19	9	20	...	47	16	126	10	4
	Moulmein Small Cause side	2,245	7	25	345	18	116	117	869	9	431	200	2,139	106	2
	Total ...	7,639	18	40	1,112	141	453	1,293	1,503	30	1,928	851	7,397	242	19
	Grand Total ...	28,950	101	70	5,930	482	2,131	4,169	4,088	90	7,401	3,674	28,222	726	86
	In 1881 ...	28,107	86	78	5,466	325	2,147	3,195	4,960	118	7,285	3,580	27,341	820	101

Of the 28,222 suits disposed of, the percentage contested was 39·24: in 1881 it was 40. The 4,088 decreed *ex-parte* are 14·48 per cent. of the total disposed of: in 1881 the percentage was 18. The dismissals for default, 5,930, are 21 per cent. as against 20 per cent. in 1881.

The illegal procedure of deciding cases *ex-parte* without proof of service of summons on defendant or of the claim is noticed in my last report. In 1882 there has been general improvement. The Commissioner of Irrawaddy writes: "The number of cases decreed *ex-parte* has fallen from 1,806 to 1,245; while on the "other hand cases decreed on confession have gone up from 861 to 1,254. The "result is unmistakeably attributable to the decrease, and I believe I may now "almost say the cessation, of the illegal procedure."

The table shows the number of decrees on confession to have increased to 4,169 from 3,195: this is the most satisfactory item in the whole report. My own frequent inspections enable me to confirm what I have quoted above from Mr. Hodgkinson. The Commissioner of Arakan is satisfied with the procedure of the Courts there; and similar confirmation comes from the Deputy Commissioners of Akyab, Bassein, and Tharrawaddy.

* Excludes three cases which were lost in the burning of the court-house at Rathaydoung.

Arbitration is said to be gradually going out of favour, and the references have fallen from 101 to 86. But it is reported that many disputes between husbands and wives are settled by arbitration without coming to Court at all; and I have some reason to believe that many cases of disputed inheritance and partition are thus determined.

7. The average duration of suits in Courts of original jurisdiction was as follows :—

Division.	District.	Average duration of suits			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	21·72	8·40	26·10	18·87
	Akyab Small Cause Court	7·	9·	9·	10·1
	Kyoukpyoo	15·93	9·86	21·18	20·51
	Sandoway	21·03	8·94	13·15	9·40
Pegu.	Hanthawaddy	12·53	9·40	25·	14·
	Tharrawaddy	22·75	15·20	14·97	31·82
	Tharrawaddy Small Cause Court			9·6	6·2
	Prome	15·75	8·11	17·57	10·76
	Prome Small Cause Court			3·	2·
Irrawaddy.	Henzada	12·32	7·63	17·19	11·23
	Bassein	22·38	15·09	22·33	15·27
	Bassein Small Cause Court	7·	15·	5·50	5·
	Thonegwa	16·90	11·	20 80	11·40
	Thayetmyo	18·66	9·66	18·36	10·90
	Thayetmyo Small Cause Court, Assistant Judge	25·	21·	...	...
	Thayetmyo Small Cause Court, Judge	7·	...	11·33	9·66
Tenasserim.	Amherst	22·	11·	21·	8·
	Shwaygyin	21·85	12·14	27·12	13·85
	Shwaygyin Small Cause Court	14·	10·	11·	11·
	Toungoo	13·42	5·78	10·71	6·86
	Toungoo Small Cause Court	7·50	6·	7·	7·
	Tavoy	14·	6·	15·	6·75
	Mergui	19·50	6·83	12·	4 40
	Salween	12·	7·	15·50	98·
	Moulmein Judge's Court	73·	35·	130·	32·
	Moulmein Small Cause side	30·	18·	43·	27·
	Total	19·	11·	21·	16·

The average in uncontested cases at Salween was caused by the difficulty of serving a defendant in one of the three suits tried by the Deputy Commissioner. It thus lasted above seven months.

8. The following table shows the number of applications for execution and the degree in which the applications were satisfied:—

Division.	District.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	514	175	105	23
	Akyab Small Cause Court	179	46	15	3
	Kyoukpyoo	95	52	19	3
	Sandoway	33	15	7	2
	Total ...	821	288	146	31
Pegu.	Hanthawaddy	761	270	132	88
	Tharrawaddy	340	264	36	16
	Tharrawaddy Small Cause Court	9	8	...	1
	Prome	455	226	121	27
	Prome Small Cause Court	18	16	2	...
	Total ...	1,588	784	291	132
Irrawaddy.	Henzada	440	228	79	46
	Bassein	724	177	118	39
	Bassein Small Cause Court	25	4	3	...
	Thonegwa	543	192	87	38
	Thayetmyo	141	59	44	11
	Thayetmyo Small Cause Court, Assistant Judge ...	...	...	...	...
	Thayetmyo Small Cause Court, Judge	8	8	...	...
	Total ...	1,881	668	331	134
Tenasserim.	Amherst	621	209	92	33
	Shwaygyin	423	362	46	9
	Shwaygyin Small Cause Court	50	48	...	2
	Toungoo	157	80	35	4
	Toungoo Small Cause Court	51	19	15	2
	Tavoy	128	88	26	1
	Mergui	164	81	60	5
	Salween	7	1	3	1
	Moulmein Judge's Court	162	20	52	9
	Moulmein Small Cause side	947	133	216	46
	Total ...	2,710	1,041	545	112
	Grand Total ...	6,995	2,781	1,313	409
	In 1881 ...	6,724	2,606	1,326	395

The decrees completely executed are 39·75 per cent. of the applications. The variances of the last three years are unimportant.

9. Processes of execution were issued as follows:—

Division.	District.	Mode of execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	*Moveable property*		*Immoveable property*		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	19	20	151	82	120	69	..
	Akyab Small Cause Court	...	9	19	10	...	...	...
	Kyoukpyoo	3	5	29	13	23	16	...
	Sandoway	...	1	8	6	12	11	...
	Total	22	35	207	111	155	96	...
Pegu.	Hanthawaddy	56	27	324	99	182	66	...
	Tharrawaddy	8	21	145	34	88	33	...
	Tharrawaddy Small Cause Court	...	...	6	...	...	...	...
	Prome	33	13	126	81	117	68	...
	Prome Small Cause Court	...	...	3	2	...	...	...
	Total	97	61	604	216	387	167	...
Irrawaddy.	Henzada	73	37	162	41	109	23	...
	Bassein	11	36	220	66	101	35	...
	Bassein Small Cause Court	...	2	...	...	..	...	...
	Thonegwa	4	22	199	58	101	45	...
	Thayetmyo	38	7	26	18	28	12	...
	Thayetmyo Small Cause Court, Assistant Judge	...	...	...	...	...	...	...
	Thayetmyo Small Cause Court, Judge	...	...	1	...	...	...	...
	Total	126	104	608	183	334	115	...
Tenasserim.	Amherst	47	43	174	47	94	42	1
	Shwaygyin	67	24	64	30	28	13	...
	Shwaygyin Small Cause Court	...	...	28	...	...	...	...
	Toungoo	3	10	58	9	52	25	...
	Toungoo Small Cause Court	...	3	29	4	...	...	...
	Tavoy	25	19	28	5	66	13	...
	Mergui	1	21	29	5	11	6	...
	Salween	...	...	3	1	...	...	...
	Moulmein Judge's Court	2	2	13	8	40	35	...
	Moulmein Small Cause side	...	41	54	24	...	...	...
	Total	145	163	480	133	291	134	1
	Grand Total	390	363	1,899	643	1,167	512	1
	In 1881	168	419	2,291	589	1,338	383	2

There have been fewer attachments and more sales of immoveable property.

10. The following table shows the number of persons who applied to be declared insolvent: —

Division.	District.	Number of persons who applied to be declared insolvent.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	19	5	11	18	1	2 struck off.
	Kyoukpyoo	2	..	2	2	..	
	Sandoway	1	1	...	1	...	
	Total	22	6	13	21	1	2 struck off.
Pegu.	Hanthawaddy	11	1	9	11	...	1 struck off.
	Tharrawaddy	7	6	1	7	...	
	Prome	7	4	2	6	1	
	Total	25	11	12	24	1	1 struck off.
Irrawaddy.	Henzada	5	1	4	5	...	
	Bassein	44	43	1	44	...	
	Thonegwa	12	10	2	12		
	Thayetmyo	6	3	3	6	..	
	Total	67	57	10	67	.	
Tenasserim.	Amherst	4	2	2	4	...	
	Shwaygyin	9	5	1	9	...	3 withdrawn.
	Toungoo	11	9	2	11	...	
	Tavoy	16	10	6	16	...	
	Mergui	9	6	3	9	...	
	Salween	.	.	...	...	...	
	Moulmein	39	6	9	35	4	20 withdrawn.
	Total	88	38	23	84	4	23 withdrawn.
	Grand Total	202	112	58	196	6	3 struck off. 23 withdrawn.

The number of persons applying to be declared insolvent has increased from 152 to 202. Some of these persons are said by the Deputy Commissioner of Akyab to have had no reasons for their application.

11. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts and the number in which the decrees appealed against were upheld:—

Division.	District.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	97	46	16	18
	Kyoukpyoo	44	27	4	12
	Sandoway	28	17	.	8
	Total	169	90	20	38
Pegu.	Hanthawaddy	101	67	5	24
	Tharrawaddy	145	94	10	33
	Prome	134	65	8	23
	Total	380	226	23	80
Irrawaddy.	Henzada	244	135	15	43
	Bassein	165	78	21	30
	Thonegwa	168	101	12	50
	Thayetmyo	74	53	3	12
	Total	651	367	51	144
Tenasserim.	Amherst	73	38	6	19
	Shwaygyin	73	37	10	17
	Toungoo	64	32	10	14
	Tavoy	71	43	3	17
	Mergui	57	40	8	6
	Salween	7	..	3	4
	Total	345	190	40	77
	Grand Total	1,545	873	134	339

Appeals to Deputy Commissioners continue to decline. The figures were in—

1880	1,921
1881	1,708
1882	1,545

But in 1876 the number was only 1,293. In Bassein there was a falling-off of 500 appealable decrees. In Prome and Gyobingouk Courts of Small Causes have

been created, and all over the country more cases have been decided on confession, and there has been a general improvement in the Courts of First Instance, due principally to the inspections of the Commissioners and Deputy Commissioners.

12. The following table shows the work of the Appellate Courts:—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for redecision by Lower Court.	Number left pending: For more than four months.	Number left pending: Total pending.	Average duration of appeals.
Arakan.	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	97	..	46	34	4	3	13	26·
	Lieutenant-Colonel W W. Pemberton, Deputy Commissioner of Kyoukpyoo	15	1	7	7	..	..	..	44
	Captain F. D. Raikes, Deputy Commissioner of Kyoukpyoo	29	..	20	9	..	..	..	26·
	Captain C. A. Cresswell, Deputy Commissioner of Sandoway	28	1	17	8	..	..	2	17·
	Colonel E. B. Sladen, Commissioner of Arakan	4	..	2	2	..	..	..	47·
	Total	173	2	92	60	4	3	15	32·
Pegu.	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Hanthawaddy	101	1	67	29	..	1	4	46·
	Mr. A. Hough, Deputy Commissioner of Hanthawaddy								
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	130	3	86	40	1	..	..	14·
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Tharrawaddy	15	1	8	3	1	..	2	
	Major G. Alexander, Deputy Commissioner of Prome	134	..	65	31	4	3	34	98·
	Lieutenant-Colonel C. W. Street, Commissioner of Pegu	2	..	2	..	..	..	..	68·
	Total	382	5	228	103	6	4	40	57·
Irrawaddy.	Major H. R Spearman, Deputy Commissioner of Henzada	244	7	135	58	3	..	41	32·
	Colonel W. Munro, Deputy Commissioner of Bassein	165	..	78	60	4	1	23	20·
	Mr. H. Buckle, Deputy Commissioner of Thonegwa	168	1	101	62	1	..	3	20·
	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	3	..	2	1	..	..	..	5·
	Captain W. F. H. Grey, Deputy Commissioner of Thayetmyo	36	..	24	12	..	..	..	8·
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo	35	..	27	2	6	..	..	12·
	Lieutenant-Colonel W. C. Plant, Officiating Commissioner of Irrawaddy	2	1	1	..	..	..	..	12·
	Mr. G. J. S. Hogkinson, Commissioner of Irrawaddy								
	Total	653	9	368	195	14	1	67	16·
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner of Amherst	73	1	38	25	4	..	5	22·
	Lieutenant-Colonel W W. Pemberton, Deputy Commissioner of Amherst								
	Major C. H. A. Gower, Deputy Commissioner of Shwaygyin	73	3	37	27	3	..	3	44·
	Mr. G. L. Weidemann, Deputy Commissioner of Shwaygyin								
	Major G. A. Strover, Deputy Commissioner of Toungoo	64	..	32	24	3	..	5	8·
	Mr. A. R. Birks, Deputy Commissioner of Toungoo								
	Major W. G. Hughes, Deputy Commissioner of Tavoy	71	2	43	20	2	..	4	12·
	Mr. C J. A. Duke, Deputy Commissioner of Tavoy								
	Captain J. Butler, Deputy Commissioner of Mergui	57	..	40	14	..	..	3	15·
	Mr. J. C. Davis, Deputy Commissioner of Salween	7	..	..	7	..	..	..	17·
	Colonel A. G. Duff, Commissioner of Tenasserim	6	..	3	1	2	..	..	25·
	Total	351	6	193	118	14	..	20	20·
	Grand Total	1,559	22	881	476	38	8	142	28·
	In 1881	1,716	14	1,000	560	42	1	100	25·16

The average time for hearing appeals has increased. In some districts this is explained by accidental causes or particular cases disturbing the average. The Deputy Commissioner of Hanthawaddy has had to undertake the pursuit of gangs of murderers and dacoits. The average at Prome is greatest: the Deputy Commissioner states that he is burdened with many other duties and feels the want of time for civil appeals as a continual anxiety. I have already given my opinion in the form of a draft Bill as to the way of supplying a Joint Judge or a Subordinate Judge with appellate powers to help to clear off arrears in the Deputy Commissioners' Courts.

13. The following table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits :—

Division.	District.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
Arakan ...	Akyab	11	1	...	2
	Kyoukpyoo	4	1	...	...
	Sandoway	...	...	...	...
	Total ...	15	2	...	2
Pegu ...	Hanthawaddy	4	1	...	...
	Tharrawaddy	4	1	...	...
	Prome	...	...	...	...
	Total ...	8	2	...	...
Irrawaddy ...	Henzada	...	...	...	...
	Bassein	...	...	...	...
	Thonegwa	4	*2	...	...
	Thayetmyo	1	...	...	...
	Total ...	5	2	...	...
Tenasserim ...	Amherst	4	1	...	...
	Shwaygyin	11	1	...	1
	Toungoo	...	...	...	...
	Tavoy	...	...	...	...
	Mergui	...	...	...	...
	Salween	4	1	...	...
	Total ...	19	3	...	1
	Grand Total ...	47	9	...	3
	In 1881 ...	55	10	3	...

* Includes 1, dismissed for default.

14. The following table shows the financial results of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts:—

Division.	District.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
			Rs. A. P.	Rs. A. P
Arakan ...	Akyab	8,017	7,738 0 0	7,836 7 8
	Kyoukpyoo	1,985	1,687 0 0	2,147 1 0
	Sandoway	1,043	992 8 0	1,146 13 8
	Total ...	11,045	10,417 8 0	11,130 6 4
Pegu ...	Hanthawaddy	9,392	8,527 8 0	6,882 5 4
	Tharrawaddy	9,041	7,499 0 0	4,930 4 9
	Prome	9,717	8,259 10 0	5,274 11 10
	Total ...	28,150	24,286 2 0	17,087 5 11
Irrawaddy ...	Henzada	9,833	9,039 14 0	5,945 8 0
	Bassein	13,128	11,566 8 0	7,991 6 11
	Thonegwa	12,175	10,322 0 0	4,667 7 3
	Thayetmyo	4,005	3,481 9 0	2,344 11 0
	Total ...	39,141	34,409 15 0	20,949 1 2
Tenasserim ...	Amherst	6,498	6,229 0 0	4,872 8 0
	Shwaygyin	5,498	4,910 8 0	3,466 12 3
	Toungoo	4,365	4,151 8 0	2,972 8 0
	Tavoy	2,376	1,961 8 0	1,908 0 0
	Mergui	2,169	2,047 0 0	1,509 8 0
	Salween	99	,84 8 0	76 8 0
	Moulmein	7,062	7,027 8 0	3,778 8 0
	Total ...	28,067	26,411 8 0	18,583 15 3
	Grand Total ...	1,06,403	95,525 1 0	67,750 12 8
	In 1881 ...	1,03,014	94,576 13 0	69,063 0 5

The Commissioner of Arakan does not suggest any change in his division. As steamers are started on the rivers there, the charges will be less. The general surplus is Rs. 27,774. The work of building witness-sheds out of surplus has been continued throughout the year to the great comfort of the people.

15. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeal admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Major M. C. Poole, Deputy Commissioner of Akyab	3	1	1	1	...	...	3	...
	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	12	2	...	4	1	...	7	5
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner of Kyoukpyoo ...	2	2	...	...	...	...	2	...
	Captain C. A. Cresswell, Deputy Commissioner of Sandoway	1	...	...	...	...	...	...	1
	Colonel E. B. Sladen, Commissioner of Arakan	2	...	...	1	...	1	2	...
	Total ...	20	5	1	6	1	1	14	6
Pegu.	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Hanthawaddy ...	8	2	...	6	...	...	8	...
	Mr. A. Hough, Deputy Commissioner of Hanthawaddy	4	...	...	3	...	...	3	1
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	26	3	...	14	1	2	20	6
	Mr. A. Hough, Deputy Commissioner of Prome	3	1	...	2	...	...	3	...
	Major G. Alexander, Deputy Commissioner of Prome	24	8	1	14	...	...	23	1
	Total ...	65	14	1	39	1	2	57	8
Irrawaddy.	Mr. C. J. A. Duke, Deputy Commissioner of Henzada	2	1	...	...	...	1	2	...
	Major H. R. Spearman, Deputy Commissioner of Henzada	9	3	...	4	...	...	7	2
	Colonel W. Munro, Deputy Commissioner of Bassein	22	4	...	17	1	...	22	...
	Mr. G. L. Weidemann, Deputy Commissioner of Thonegwa	1	1	...	...	...	...	1	...
	Mr. H. Buckle, Deputy Commissioner of Thonegwa	26	3	...	14	1	...	23	3
	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	5	...	...	4	1	...	5	...
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo	2	1	...	1	...	...	2	...
	Captain W. F. H. Grey, Officiating Deputy Commissioner of Thayetmyo... ...	6	...	...	6	...	...	6	...
	Total ...	73	18	...	46	3	1	68	5
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner of Amherst	14	1	...	11	...	...	12	2
	Lieutenant-Colonel W. W. Pemberton, Deputy Commissioner of Amherst ...	2	...	...	...	...	...	...	2
	Major C. H. A. Gower, Deputy Commissioner of Shwaygyin	3	1	...	1	1	...	3	...
	Mr. G. L. Weidemann, Deputy Commissioner of Shwaygyin	6	...	...	2	...	...	2	4
	Major G. A. Strover, Deputy Commissioner of Toungoo	7	1	...	2	...	...	3	4
	Major W. G. Hughes, Deputy Commissioner of Tavoy	2	2	...	...	...	...	2	...
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy	6	1	...	1	...	...	2	4
	Captain J. Butler, Deputy Commissioner of Mergui	9	3	...	4	...	...	7	2
	Colonel A. G. Duff, Commissioner of Tenasserim	2	...	...	1	...	...	1	1
	Total ...	51	9	...	22	1	...	32	19
	Grand Total ...	209	46	2	113	6	4	171	38
	In 1881 ...	208	31	3	99	...	2	136	72

In 1882 there were 137 new appeals as against 156 in 1881. The number of appealable decrees had also been reduced, which partly accounts for the falling-off. The proportion of modifications and reversals to disposals was 28: in 1881 it was 25. The practice is becoming more frequent of the parties appearing personally without engaging advocates.

16. The following table shows the miscellaneous appeals, *i.e.*, from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
Arakan ...	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	...	...	1	...	1	...
Pegu ...	Mr A. Hough, Deputy Commissioner of Hanthawaddy	...	...	...	...	...	1
	Major G. Alexander, Deputy Commissioner of Prome	1	...	1	...	2	...
Irrawaddy ...	Colonel H. N. Davies, Deputy Commissioner of Thayetmyo	2	...	...	...	2	...
Tenasserim ...	*Nil*			*Nil*			
	Total ...	3	...	2	...	5	1
	In 1881 ...	...	...	2	...	2	2

17. The number and result of references to the Court of the Judicial Commissioner is shown in the following table:—

Division	Court making the reference.	In accordance with paragraph 8 of Government of India notification No. 884, dated 12th August 1868.	Under sections 617 and 295, Act X of 1877.	Under section 25, Act XVII of 1876.	Under section 29, Act XVII of 1876.	Under section 26, Act XVII of 1876.	Under section 22, Act XI of 1865.	Total.	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with the opinion of referring Court.	Heard as appeals under section 84, Act XVII of 1876.	Total disposed of.	Pending.
Arakan ...	Deputy Commissioner of Akyab ...	...	1	1	...	...	...	2	1	1	...	2	...
	Deputy Commissioner of Kyoukpyoo ...	...	1	...	...	...	...	1	1	...	...	1	...
Total ...		...	2	1	...	...	...	3	2	1	...	3	...
Pegu ...	Deputy Commissioner of Tharrawaddy	...	...	1	...	...	...	1	1	...	...	1	...
	Commissioner of Pegu ...	...	...	1	...	...	...	1	...	1	...	1	...
Total ...		...	...	2	...	...	...	2	1	1	...	2	...
Irrawaddy ...	Judge of Court of Small Causes of Thayetmyo	...	...	...	...	...	1	1	...	...	...	...	1
	Deputy Commissioner of Thayetmyo	...	...	2	1	...	2	5	2	2	4	4	1
Total ...		...	...	2	1	...	1	6	2	2	4	4	2
Tenasserim ...	Deputy Commissioner of Shwaygyin	...	1	2	1	...	...	4	...	4	...	4	...
	Officiating Judge of Moulmein ...	...	1	...	...	...	...	1	...	1	...	1	...
Total ...		...	2	2	1	...	...	5	...	5	...	5	...
Grand Total...		...	6	7	2	...	1	16	5	9	...	14	2
In 1881 ...		...	4	13	6	1	...	24	7	15	...	22	2

18. The following table shows the work of the Judicial Commissioner as a Court of Revision :—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner, or Extra Assistant Commissioner, from whose decision revision was made.	Revision admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Moung Reh Baw Thoo, Extra Assistant Commissioner of Naaf, Akyab district	1	...	...	...	...	1	1	...
	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	1	...	...	1	...	...	1	...
	Total ...	2	...	...	1	...	1	2	...
Pegu.	Moung Htoon Oung, Extra Assistant Commissioner of Hmawbee, Hanthawaddy district	1	...	...	1	...	...	1	...
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Hanthawaddy	8	...	...	8	...	...	8	...
	Moung Moung, Extra Assistant Commissioner of Gyobingouk, Tharrawaddy district	1	...	...	1	...	...	1	...
	Moung Shway Zin, Extra Assistant Commissioner of Minhla, Tharrawaddy district	5	4	...	1	...	...	5	...
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	1	...	...	1	...	...	1	...
	Moung Tine, Extra Assistant Commissioner of Prome ...	1	...	...	1	...	...	1	...
	Total ...	12	4	...	8	...	...	12	...
Irrawaddy.	Major H. R. Spearman, Deputy Commissioner of Henzada...	6	...	...	6	...	...	6	...
	Moung An, Extra Assistant Commissioner of Theegwin, Bassein district	1	...	...	1	...	...	1	...
	Captain T. M. Jenkins, Assistant Commissioner of Bassein...	1	1	...	...	...	...	1	...
	Colonel W. Munro, Deputy Commissioner of Bassein ...	1	...	...	1	...	...	1	...
	Moung Kyah, Extra Assistant Commissioner of Thonegwa.	1	...	...	1	...	...	1	...
	Mr. H. Buckle, Deputy Commissioner of Thonegwa ...	8	4	...	4	...	...	8	...
	Captain W. F. H. Grey, Assistant Commissioner of Thayetmyo	1	...	...	1	...	...	1	...
	Captain W. F. H. Grey, Officiating Deputy Commissioner of Thayetmyo.	1	...	...	1	...	...	1	...
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo ...	1	...	...	...	...	...	...	1
	Total ...	21	5	...	15	...	...	20	1
Tenasserim.	Major C. H. A. Gower, Deputy Commissioner of Shwaygyin.	4	4	...	...	...	...	4	...
	Moung Po, Extra Assistant Commissioner of Toungoo ...	7	...	...	7	...	...	7	...
	Captain J. Butler, Deputy Commissioner of Mergui ...	1	...	...	1	...	...	1	...
	Mr. A. R. Birks, Officiating Judge of Moulmein ...	1	1	...	...	...	...	1	...
	Total ...	13	5	...	8	...	...	13	...
	Grand Total ...	48	14	...	32	...	1	47	1

The number of these cases has increased from 32 to 48.

19. The Judicial Commissioner made one reference to the Special Court about the meaning of section 97 of the Burma Courts Act.

20. There are altogether 484 advocates in the Courts under the Judicial Commissioner, of whom 39 are entitled to practice before the Judicial Commissioner; of the latter 17 are barristers-at-law.

21. During the year I visited the districts of Moulmein, Amherst, Tavoy, Mergui, Prome, Tharrawaddy, Hanthawaddy, Bassein, Thonegwa, and Thayetmyo, as also Toungoo and Shwaygyin, which had not been inspected by the Judicial Commissioner for about seven years. I was unable to visit Arakan and had little occasion having been there the year before and being quite aware of the diligence and thoroughness with which the Commissioner and the Deputy Commissioners supervise their Courts. The Commissioner of Arakan, Colonel Sladen, expresses himself as follows :—

"I am satisfied from my own inspections of the several Courts in this division that the civil administration of justice is carefully attended to.

"Slight errors in procedure, or in the correct application of the law in particular instances, may still be traceable here and there, but under the present system of inspection these defects rarely escape detection, and detection in turn begets additional care and acts as a stimulus against neglect or inattention.

"As a whole the Native Judges are fairly acquainted with the requirements of civil procedure, and with one or to exceptions, which have been separately noted, are competent in all respects to discharge the judicial duties entrusted to them at their township head-quarters."

The Commissioner of Irrawaddy, Mr. Hodgkinson, gives his opinion in similar terms :—

"The only Deputy Commissioner who has noticed the subject of inspections in his report is Mr. Buckle, in whose district supervision of a close and useful nature has been maintained over the working of the lower Courts, no less than 744 out of the 3,199 cases disposed of during the year having been inspected.

"Mr. Buckle gives in his report a list of the principal mistakes he has found to exist in these proceedings. My experience is that a vast improvement has taken place in the administration of civil justice within the last two years.

"Excessive costs have almost disappeared; reasonable damages are as a rule now awarded in petty cases of insult; *ex-parte* decrees are seldom given without evidence; and the only bad fault I have had occasion to find in the work of the Courts recently inspected by me has been increased where the attachment before judgment was given without notice of a proper enquiry.

"Much however still remains to be done. The qualifications and intelligence of some of the Judges are not of a high order. Issues are frequently badly framed. Unnecessary work is entailed by the failure to grasp the exact points to be decided.

"The burden of proof is sometimes incorrectly placed. But with time it may fairly be expected that under the new system of competition for appointments in the Subordinate Judicial Service a far higher standard of legal acquirements and general knowledge may be introduced on to the Bench, and it may be possible to induce a study and research which shall result in a codification, or at least in an introduction, of some order and system into the present chaotic state of Burmese law.

22. To the elaborate work done by Mr. Buckle I can also bear testimony; and the report of Captain Adamson at Akyab shows the very thorough nature of his inspections. The Deputy Commissioners of Toungoo and Amherst also visited eight Courts; and although some Deputy Commissioners do not describe this part of their work, I am well satisfied that it is generally done and that the local officers know and appreciate the common errors with which in the interests of justice they must deal. All the Commissioners have devoted much time and thought to this part of their duty. When I have revisited Courts which I had inspected in the year before I have noticed the improvement, and if the good system which the Deputy Commissioners have created be only kept going by repeated inspections on their part, I have no doubt that good procedure will become firmly established. Another cause of improvement is the attention given to local wants,—the creation of new Courts, or the conferring of Small Cause powers, or the appointment, as in Theegwin, of a Karen Judge where the Karen people are in danger of oppression. In all such matters the executive officials have aided the judicial administration.

23. I agree with Mr. Hodgkinson that the next advance after securing just procedure and adherence to easy rules of law is to require learning on the Judge's part. In the year of report libraries have been established at most Courts and the work of translation of Acts and orders has gone on continuously.

24. I have this year no common shortcomings of Courts on which to remark for the information of the Local Government.

25. Adverting to what Mr. Hodgkinson writes, I am not sure that there is any need of codification of Burmese law in the ordinary sense of the term. The process had been performed by the Emperor Alompra and his son about the middle of last century, from which time until a date about 50 years ago many editions were issued by the authority of their Government or compiled by learned Burmans. These books deal with such matters as inheritance with great fulness, and the arrangement of the rules is clear and uniform. Six of them are in Burmese print and two of the most important have been supplied to all the Courts. I agree with Mr. Hodgkinson that they are not generally understood and with

Colonel Duff that the incapacity of the Courts to understand the Buddhist law of inheritance and partition is known to the people and is one reason why they do not bring such cases into Courts. But the chief reason of this incapacity is the want of study; the terms of the law of real property cannot be understood by people who will not even read a treatise on the subject. I have met several well-educated Burman Judges who have told me that they were not acquainted with these codes but had only looked at them in their youthful days; they had the same hazy notion of the contents as an English youth may retain of the civil part of the laws of Moses, and at once admitted their inability to discuss even simple questions. The present result is that most violent different opinions exist on the commonest questions; the law is not uniformly administered; and uniformity will not be reached until a series of authoritative decisions have been given by the Judicial Commissioner. The English Judges have a little more excuse for their general want of precision in Burmese law; but as only one of the many codified treatises on inheritance has ever been translated, it is clear that they have not taken much trouble. Instead of grasping the meaning of the treatises prepared in a code-making period by emperors who were determined to reform the Courts and to embody such customs as were general a few years before the British occupation, a theory was started that there is a separate and distinct body of law called customs not based on these codes. No evidence of any such customs has I believe ever been produced; and as is natural the Burmans themselves never allude to such a body of law when consulted but always insist that the codes made last century are the statute law, and would I believe look with great concern on any attempt to refer questions of real property to decision under laws never reduced to writing, and in that respect far inferior in point of certainty to the codes which of course embodied more ancient and general rules of law.

JOHN JARDINE,

Judicial Commissioner.

PART III.

Courts under the supervision of the Commissioner of the Arakan Division.

From the Commissioner of the Arakan Division to the Secretary to the Chief Commissioner, British Burma, —No. 11-36, dated the 18th January 1883.

I HAVE the honour to submit, for the information of the Chief Commissioner, the Annual Report of the Deputy Commissioner, Arakan Hill Tracts District, on the Administration of Civil Justice for 1882, with statements Nos. 6 to 10 and general statement No. 1.

2. There has been no change in the constitution of the Court during the year under review.

3. The total number of suits instituted was 88 against 134 in 1881, showing a decrease of 46, or 65·67 per cent. Of the 88 suits instituted, no less than 57, or 64·77 per cent., were referred for trial by the Chiefs and were settled by arbitration. It will be seen that these Chiefs retain their popularity, and that the plan of submitting civil disputes to arbitration by them is one which works well and apparently gives general satisfaction.

4. The Deputy Commissioner has explained the reason why civil cases have largely decreased during the year. The decrease is partly due to bazaar-sellers having been forbidden to give credit to police constables. A similar decrease would doubtless be effected everywhere if bazaar-sellers in other parts of the world were equally amenable to orders and less accommodating to those whom the Deputy Commissioner describes as men who are "disposed to run up bills."

From A. H. HILDEBRAND, Esq., Deputy Commissioner, Arakan Hill Tracts, to the Commissioner of the Arakan Division,—dated the 1st January 1883.

I HAVE the honour to forward the Annual Report on the Administration of Civil Justice for the district of Arakan Hill Tracts for the past year. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with similar results for the preceding year :—

Class and locality of Court and name of presiding Judge.	Instituted		Disposed of		Pending at close of year			
					Above four months.		*Total pending.*	
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts	134	88	134	88	...	...	...	...
Total ...	134	88	134	88	...	...	...	...
Increase ...	...	...	...	...	...	...	...	...
Decrease ...	...	46	...	46	...	...	...	...

This decrease is probably owing to the fact of many of the cases of long standing that had not come before the Courts before having been brought to Court last year (1881) owing to the increased popularity of the tribunal among the tribes. This stock of old suits having been worked off to a great extent, a gradual decrease, as the cases brought more and more represents current events, may be looked for.

2. The following table shows the character of original litigation in the different classes of Court :—

Class and locality of Court and name of presiding Judge.	Number of suits												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For moveable property or value thereof.	For damages.	For immoveable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts.	...	...	1	89	8	...	....	4	18	...	...	17	1

Under the head "for goods sold" there has been a decrease of 13 cases : this is accounted for by my having ordered the bazaar people not to give credit for goods to constables who receive their pay monthly and who are disposed to run up bills they cannot pay if allowed to buy on credit. Cases under this head are principally on account of bills run up in this way by constables with the bazaar shopkeepers. The enforcement of the order above mentioned is working well in every way. The reduction of cases from 23 to 4 under the heading "moveable property or value thereof" during the past year is not so easily explained, and indeed I must watch it for another year before I can offer any explanation at all, unless there was some difference in the principal classification for the two years by which suits have become transposed, as under the latter head (damages) I find there is an increase of 15 cases. If the cases under these heads are put together, there were 26 for 1881 and there are 22 for the year under report. Under the other headings no remarks seem to be called for.

3. The value of original suits was as follows :—

Class and locality of Court and name of presiding Judge.	Number of suits disposed of valued at not exceeding							Above Rs. 1,00,000.	Total value of suits.
	Rs. 10.	Rs. 50.	Rs 100.	Rs. 500.	Rs. 1,000.	Rs. 10,000.	Rs. 1,00,000.		Rs. A. P.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts	7	42	20	19	...	...	...	...	6,279 11 9

While the more petty cases barred by lapse of time have not been admitted, the ones of larger value have not been so dismissed; hence, while the number of suits for the year under report are much less than last year, the value is nearly the same.

4. The manner in which the litigation was disposed of in the several Courts is shown :—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Judgment for plaintiff in whole or in part.	Judgment for defendant.	Total disposed of	Pending.	Referred to arbitration.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts.	88	...	...	6	8	1	17	1	...	3	...	88	...	57

The paid Chiefs still retain their popularity as arbitrators, and the system still works well and satisfactorily.

5. The average duration of suits in each Court of original jurisdiction was as follows :—

Class and locality of Court and name of presiding Judge.	Average duration of suits			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts	7·84	4·35	32·	5·47

The reason of the length of duration of contested suits being so high is on account of one suit in which the parties were police stationed at opposite ends of the district, and the case was adjourned from time to time until they could conveniently be spared from their duties to attend Court at the same time.

6. The following table shows the number of applications for execution in the degree in which the applications were satisfied :—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Mr. A. H. Hildebrand, Deputy Commissioner, Arakan Hill Tracts	*Nil.*			

This statement as in former years is satisfactory as showing the respect in which the decision of the arbitrating paid Chiefs is held.

7. Processes of execution were issued as follows :—

Name of district.	Mode of execution.						Orders under section 243, Civil Procedure Code.
	Delivery of possession.	*Person.*	*Moveable property*		*Immoveable property*		
		Imprisonment of	Attached.	Sold.	Attached.	Sold.	
Nil.							

8. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Court and the proportion in which the decrees appealed against were upheld :—

Name of Extra Assistant and Assistant Commissioners.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversal and modification to appeals preferred.
Nil.					

A. H. HILDEBRAND,

Deputy Commissioner, Arakan Hill Tracts.

APPENDICES TO PART I.;

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the town of Rangoon, in the province of British Burma, on the last day of the year 1882, with the cost of tribunals.

NAME OF PROVINCE		Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION. Judges of Chief Courts of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts	Judges of other subordinate Courts.	TOTAL NUMBER OF CASES DECIDED. Original. Regular.	Original. Miscellaneous	Appeals. Regular.	Appeals. Miscellaneous.	Total receipts of the Courts	Total charges of the Courts.	REMARKS.
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs.	Rs.	
PROVINCE OF BRITISH BURMA. — Territory subject to the High Court.	Civil ...	45	134,176	...	...	...	*a*1	...	...	...	*b*2	*c*4,169	*d*2,754	...	...	*e*97,773	*f* 1,16,581	*a* Recorder of Rangoon. *b* Judges of the Small Court. *c* Regular (civil)— (1) By Small Cause Court Judge ... ... 3,994 (2) By Recorder ... ... 155 By Recorder, vice-admiralty ... ... 2 By Recorder, insolvency ... ... 18 Total ... 4,169 *d* By Small Cause Court Judge ... ... 2,581 By Recorder ... ... 173 Total ... 2,754
	Criminal...	...	...	...	...	...	...	...	...	...	...	...	...	...	...			
	Revenue..	...	...	...	...	...	...	...	...	..	...	.	...	...	..	...	...	
Territory not subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	*e* (1) Honorary Magistrates ... ... Rs. 6,238 (2) Assistant Magistrate .. ... 17,883 (3) Town Magistrate ... ... 338 (4) Recorder ... ... 36,965 (5) Small Cause Court ... ... 36,349 Total ... 97,773
	Criminal .	...	...	...	...	...	..	...	...	..	...	...	...	...	...	...	...	
	Revenue .	.	...	...	...	...	...	..	...	...	...	...	...	...	.	*143,625	*158,268	*f* (1) Honorary Magistrates .. ... Rs. 2,078 (2) Extra Assistant Commissioner ... .. 4,800 (3) Assistant Magistrate ... . 12,324 (4) Town Magistrate ... ... 16,540 (5) Recorder .. .. 49,174 (6) Small Cause Court ... ... 31,665 Total . 1,16,581
Total ...		45	134,176†	...	...	...	1	...	...		2	4,169	2,754	...	...	97,773*	1,16,581*	

* This includes Civil and Criminal under orders contained in Resolution No. 24-1552—62, dated the 20th October 1882.

† This is the population included within town limits proper.

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the town of Rangoon, in the province of British Burma, in the year 1882.

CLASS OF TRIBUNALS.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																	REMARKS.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts or on account of illegal restraint or other cause.	For pottas or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand Total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																				
I.—Civil Courts.																																				
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	..	..	...	...	.	...	...	...	...	..	...	...	...	...	..	...	...	..	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	..	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	..	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
II.—Revenue Courts.																																				
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	.	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	..	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the presidency or seat of Government.																																				
Presidency Small Cause Courts ...	1,753	499	21	158	502	475	22	341	89	20	...	...	...	...	...	...	...	..	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	3,970	
Superior Courts	44	1	4	1	5	2	5	...	5	21	...	..	...	...	...	..	...	...	26	...	...	5	2	9	...	...	11	10	1	a2	...	...	...	...	b14	168	
Total ...	1,797	490	25	159	507	477	27	341	94	41	..	..	...	...	..	...	...	...	26	...	...	5	2	9	...	...	11	10	1	2	...	...	...	...	...	14	4,038	
GRAND TOTAL ...	1,797	490	25	159	507	477	27	341	94	41	...	...	...	...	...	...	...	...	26	...	...	5	2	9	...	...	11	10	1	2	...	...	...	...	...	14	4,038	

a These are admiralty cases.

b Among these are—

Suits relating to inheritance	8
Suits relating to maintenance	2
Suits for receiving possession of child	1
Suits for insurance	1
Suits to file award	1
Suits to cancel promissory note	1
Total ...	14

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing number and value of suits instituted in the Civil and Revenue Courts in the town of Rangoon, in the province of British Burma, in the year 1882.

CLASS OF TRIBUNALS.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS									Total value of suits.	REMARKS.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid tribunals	...	...	...	...	...	...	...	...	...	.....	
Village Courts	...	...	...	...	...	...	...	...	...	.....	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	...	...	.....	
Small Cause Courts	...	...	...	...	...	...	...	...	...	.....	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	.....	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	.....	
Total	...	...	...	...	...	...	...	...	...	.....	
II.—Revenue Courts.											
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	.....	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	.....	
Collector's Courts	...	...	...	...	...	...	...	...	...	.....	
Total	...	...	...	...	...	...	...	...	...	.....	
Courts at the presidency or seat of Government.											
Presidency Small Cause Courts	...	...	...	...	...	...	445	1,843	697	782	103	...	...	...	...	3,54,166 0 0	
Superior Courts	...	...	...	...	...	...	...	1	1	25	7	92	7	11	24	7,36,070 0 0*	*This includes the value of two admiralty suits, Rs. 26,639.
Total	...						445	1,844	698	807	110	92	7	11	24	10,90,236 0 0	
GRAND TOTAL	...						445	1,844	698	807	110	92	7	11	24	10,90,236 0 0	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of Original Jurisdiction in the town of Rangoon, in the province of British Burma, in the year 1882.

PART I.—Civil suits.

CLASS OF COURTS	Total number of suits before the Courts*	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		REMARKS.
		Transferred to Courts in other provinces.	Without trial	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested	
				Compromised.	Decreed on confession	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff	For defendant.	Judgment for plaintiff in whole or in part	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Sub-divisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	..	...	...	...	.	.	...	...	...	...	...	...	...	...	...	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	.	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	..	...	...	..	...	...	...	.	...	...	...	
Courts at the presidency or seat of Government.																
Presidency Small Cause Court	...	4,199	...	770	240	365	1,408	64	...	...	663	484	205	24	25 35	18 59	The result of the insolvency cases is not shown in this statement but is shown in the body of the report.
Superior Courts	...	189	...	24	14	7	28	.	...	...	55	29	32	17	96·00	36·00	
Total	...	4,388	...	794	254	372	1,436	64	...	...	718	513	237	41	26·98	19·75	
GRAND TOTAL	...	4,388	...	794	254	372	1,436	64	...	...	718	513	237	41	26·98	19·75	

* That is, the total of the entries in columns 3 to 13. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of Orginal Jurisdiction in the town of Rangoon, in the province of British Burma, in the year 1882.

PART II.—Miscellaneous cases (Judicial).

CLASS OF COURTS	Total number of cases before the Courts.*	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals																
Village Courts																
Paid sub-divisional tribunals																
Small Cause Courts																
District Courts other than Chief Courts of districts																
Chief Courts of districts																
Total																
II.—Revenue Courts																
Unpaid local tribunals																
Other Subordinate Courts																
District Courts																
Total																
Courts at the presidency or seat of Government.																
Presidency Small Cause Court	1,170		649				56			309	110	46		10·00	7·8	
Superior Courts	60		8			16	1			25	7	3		27 5	44 5	
Total	1,230		657			16	57			334	117	49		11·24	16·35	
GRAND TOTAL	1,230		657			16	57			334	117	49		11·24	16 35	

* That is, the total of the entries in columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 10 (CIVIL).—*Blank.*

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the town of Rangoon, in the province of British Burma, in the year 1882.

CLASS OF COURTS.	Total number of applications for the execution of decrees before the Courts.*	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALISED		NUMBER OF APPLICATIONS												REMARKS.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested but released without imprisonment.	*On which moveable property* Was sold.	Was attached but subsequently released.	*On which immoveable property* Was sold.	Was dealt with under sections 305, 322, or 323, Act X of 1877.	Was attached but subsequently released under section 275.	*On which possession was given* Of moveables.	Of immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.								Rs. A. P.	Rs. A. P.													
I.—Civil Courts.																						
Unpaid tribunals	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	..	...	...	...	...	...	...	...	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	..	...	...	
Chief Courts of districts	...	...	...	..	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	..	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	..	...	...	...	...	...	.....	...	...	...	...	..	...	...	...	...	...	...	...	...	
II.—Revenue Courts.																						
Unpaid local tribunals	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the presidency or seat of Government.																						
Presidency Small Cause Courts	...	1,495	...	384	96	977	38	...	451 0 0	29 0 0	121	393	65	32	...	...	...	...	...	...	...	...
Superior Courts	...	91	9	31	11	35	5	3	27 0 0	3 0 0	2	2	2	...	15	...	1	1	1	...	...	...
Total	...	1,586	9	415	107	1,012	43	3	478 0 0	32 0 0	123	395	67	32	15	...	1	1	1	...	...	..
GRAND TOTAL	...	1,586	9	415	107	1,012	43	3	478 0 0	32 0 0	123	395	67	32	15	...	1	1	1	...	...	...

* That is, the total of the entries in columns 3 to 7.

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the number and result of applications and proceedings under Chapter XX, Act X of 1877, in the town of Rangoon, in the province of British Burma, in the year 1882.

CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY								AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALISED AND DISBURSED.		REMARKS
	Total number for hearing †	Transferred to another province, withdrawn, &c.	*Granted.* A receiver being appointed.	*Granted.* A receiver not being appointed.	*Rejected.* Penal proceedings under section 359 not being taken.	*Rejected.* Sentence of imprisonment being passed under section 359	*Rejected.* Applicant being sent to the Magistrate to be dealt with.	Pending at the close of the year.	Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year	Admitted.	Satisfied.	Realised during the year.	Disbursed during the year	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs A. P.	Rs. A. P.	Rs. A. P.	Rs A. P.	
Courts other than Chief Courts of districts.*	...	...	...	...	...	...	...	...	...	...	..	...	...	...	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	..	
Small Cause Courts	9	...	...	4	5	...	...	...	9	...	...	...	...	..	
Total ...	9	..	...	4	5	..	..	...	9	.	...	..	...	...	

* Specially empowered under section 360, Act X of 1877.

† That is, the total of the entries in columns 3 to 9. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 13 (CIVIL).—*Blank.*

APPENDICES TO PART II.;

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1882, with the cost of tribunals.

NAME OF PROVINCE.			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	REMARKS.
								Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.*		*Appeals.*				
													Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																	* Rs. A. P.	Rs. A. P.	
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court	Civil ...	86,160	3,586,096	4	17	33	1	5	17	33	95	28,222	4,306	1,588	55	3,11,278 12 6	7,81,896 0 0	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ...	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ...		86,160	3,586,096	4	17	33	1	5	17	33	95	28,222	4,306	1,588	55	*3,11,278 12 6	*7,81,896 0 0	*This includes Civil and Criminal under orders contained in Resolution No. 24-1552—62, dated 20th October 1882.

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF TRIBUNALS.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										TITLE AND OTHER SUITS.																		
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the Rent Law.	Moveable property or value thereof.	Damages.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition	Suits relating to shipping.	Suits relating to religion and caste	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	GRAND TOTAL.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
COURTS IN THE INTERIOR																													
I—Civil Courts.																													
Unpaid tribunals	...	..	...	...	...	...	...	...	..	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	..	...	...	...	...
Township Courts	3,836	3,081	266	2,159	3,424	364	1,012	474	2,216	3,360	945	15	...	40	29	2	2	6	581	120	79	...	37	9	2	8	...	326	22,387
Paid sub-divisional tribunals	314	197	37	194	295	60	88	33	199	243	69	2	2	25	13	...	2	2	66	3	13	...	1	16	...	1	...	43	1,938
Small Cause Courts	1,318	421	38	305	725	144	296	48	183	39	8	...	...	...	7	...	...	...	...	...	..	...	...	...	..	...	...	100	3,634
District courts other than Chief Courts of districts	...	...	...	..	...	...	...	...	...	...	...	...	...	...	.	...	...	...	..	...	...	...	...	...	...	...	...	...	..
Chief Courts of districts	51	11	8	6	5	1	5	.	5	6	3	...	1	35	4	6	...	1	2	13	4	1	...	2	...	4	...	8	182
Total ...	5,519	3,710	349	2,664	4,449	569	1,403	555	2,603	3,648	1,0[illegible]	17	3	100	53	8	4	9	649	136	96	1	38	21	2	13	...	477	28,141

NOTE.—Fourteen suits pending from last year in the Kyoukpyoo and Hanthawaddy districts are included in this statement.

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the number and value of suits instituted in the Civil Courts in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF TRIBUNALS.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	REMARKS.
	Not exceeding Rs. 5.	Not exceeding Rs. 20.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid tribunals	...	...	...	...	...	...	...	...	...		
Township Courts	1,798	5,452	10,511	3,870	141	40	...	...	575		
Paid sub-divisional tribunals	155	436	723	388	133	72	...	...	31	31,72,469 9 11	*Note.*—Fourteen suits pending from last year in the Kyoukpyoo and Hanthawaddy districts are included in this statement.
Small Cause Courts	308	1,191	1,679	403	53	...	...	...	...		
District Courts other than Chief Courts of districts...	...	...	...	...	...	...	...	...	...		
Chief Courts of districts	...	1	7	35	36	70	6	10	17		
Total ...	2,261	7,080	12,920	4,696	363	182	6	10	623	31,72,469 9 11	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil cases in the Courts of Original Jurisdiction in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

PART I.—Civil suits.

CLASS OF COURTS.	Total number of suits before the Courts.*	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Township Courts	22,923	...	5,412	1,844	3,458	2,740	76	63	15	5,868	2,960	487	5	15·	6·	*Note.*—Three cases which were lost in the burning of the court-house at Rathaydoung are excluded from this statement.
Paid sub-divisional tribunals	2,015	...	409	125	209	167	3	2	...	611	337	92	4	21·	10·	
Small Cause Courts	3,802	...	744	141	430	1,156	11	2	...	884	345	119	9	11·	9·	
District courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	210	...	18	21	12	25	...	3	1	68	32	30	9	38·	40·	
Total ...	28,950	...	6,583	2,131	4,169	4,088	90	70	16	7,401	3,674	728	27	21·	16·	

* That is the total of the entries in columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil cases in the Courts of original jurisdiction in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF COURTS.	Total number of suits before the Courts.*	NUMBER OF CASES DISPOSED OF										Pending at the close of the year	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES.		REMARKS.
		Transferred to Courts in other provinces	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*	Dismissed *ex-parte*.	For plaintiff	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	.		.	...	..	.	...	.	...	...	...	
Township Courts	3,082	...	811	177	112	302	41	...	...	1,173	388	78	...	8	6	
Paid sub-divisional tribunals	375	...	123	14	25	9	12	...	...	120	59	13	2	13	7	
Small Cause Courts	375	...	35	4	4	191	36	...	...	75	26	4	...	13	4	
District Courts other than Chief Courts of districts ...	...	...	...	...	...	...		..	...		...	...	...	...	.	
Chief Courts of districts	594	...	106	18	44	154	35	...	...	160	52	25	2	21	13	
Total ...	4,426	...	1,075	213	185	656	124	...	...	1,528	525	120	4	14	8	

* That is, the total of the entries in columns 3 to 13. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year if not decided.

STATEMENT No. 10 (CIVIL).

Statement showing the business of the Civil Appellate Courts of the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

PART I.—Appeals from Decrees.

CLASS OF COURTS.	Total number of appeals before the Courts.*	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act X of 1877.	REMARKS.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals from original decrees	...	...	...	...	...	...	...	.	...	...	...	...	...	...	...	...	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	. .	...	
Chief Appellate Courts of districts	1,545	...	...	21	178	...	20	5	695	134	319	31	142	8	30·	...	
Superior Appellate Courts other than Chief Courts of province ..	14	...	...	1	...	...	...	...	8	...	3	2	...	...	38·	...	
Total ...	1,559	...	...	22	178	...	20	5	703	134	322	33	142	8	31·	...	
Courts at the Presidency or seat of Government.																	
Chief Court of province { Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.	...	
Ditto from appellate do.	209	...	27	6	42	...	9	...	44	2	37	4	38	14	115·	...	
Civil revisions	48	...	15	...	16	...	13	...	1	...	1	...	1	...	33·	...	
Total ...	257	...	42	6	58	...	22	1	45	2	38	4	39	14	99.	...	
GRAND TOTAL ...	1,816	...	42	28	236	...	42	6	748	136	360	37	181	22	41·	...	

* That is the total of the entries in columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided or in which pending at the close of the year, if not decided.

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the business of the Civil Appellate Courts of the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

PART II.—Miscellaneous Appeals (Judicial).

CLASS OF COURTS.	Total number of appeals before the Court.*	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objection under section 561, Act X of 1877.	REMARKS.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Appeals from original decrees	...	..	...	..	...	...	...	...	...	...	...	..	..	...	...	...	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of districts	52	...	...	1	13	1	1	..	15	...	17	1	3	...	8	...	
Superior Appellate Courts other than Chief Courts of province ...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1 struck off.
Total ...	53	...	...	1	13	1	1	...	15	...	17	1	3	...	8	...	1 struck off.
Courts at the Presidency or seat of Government.																	
Chief Court of province ... Appeals from original decrees	...	...	...	...	...	...	...	...	.	...	...	...	...	...	...	...	
Chief Court of province ... Do. from appellate do.	6	...	1	...	1	...	...	...	...	...	3	...	1	...	58	...	
Total ...	6	...	1	1	1	...	...	...	...	...	3	...	1	...	...	...	
GRAND TOTAL ...	59	...	1	1	14	1	1	..	15	...	20	1	4	...	13	...	1 struck off.

*That is the total of the entries in columns 3 to 14. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the result of proceedings on applications for the execution of the decrees of the Civil and Revenue Courts in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF COURTS.	Total number of applications for the execution of decree before the Courts.*	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALISED.		NUMBER OF APPLICATIONS											REMARKS.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which judgment-debtor was arrested, but released without imprisonment.	*On which moveable property* Was sold.	*On which moveable property* Was attached but subsequently released.	*On which immoveable property* Was sold.	*On which immoveable property* Was dealt with under sections 305, 322, or 325, Act X of 1877.	*On which immoveable property* Was attached but subsequently released under section 275.	*On which possession was given* Of moveables.	*On which possession was given* Of immoveables.	On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR. *I.—Civil Courts.*								Rs. A. P.	Rs. A. P.													
Unpaid tribunals	..	...	...	...	...	..	...	. ...	.....	...	...	...	...	..	...	...	...	...	...	...	...	
Township Courts	4,822	46	2,164	885	1,422	305	10	90,9 3 6 5	28,821 11 8	281	1,250	518	1,032	417	79	585	190	161	3	6	9	
Paid sub-divisional tribunals ...	642	2	293	111	199	37	3	18,474 15 6	3,099 4 4	24	209	63	101	47	1	61	19	17	...	...	...	
Small Cause Courts	1,267	...	282	251	700	54	2	19,080 14 4	11,177 13 4	55	293	40	102	...	1	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	.....	... ..	...	. .	...	..	...	...	...	...	...	...	...	...	
Chief Courts of districts	244	3	42	66	120	13	...	71,203 0 6	26,970 0 9	3	21	22	21	48	...	9	1	2	...	...	1	
Superior Courts	...	...	...	...	...	...	...	. ..	.... .		...	...	...	...	...	...	...	...	...	...	..	
Total ...	6,995	51	2,781	1,313	2,441	409	15	1,99,672 4 9	70,068 14 1	363	1,773	643	1,256	512	81	655	210	180	3	6	10	

* That is the total of the entries in columns 3 to 7.

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the number and result of applications and proceedings under Chapter XX, Act X of 1877, in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASS OF COURTS.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.										AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALISED AND DISBURSED.		REMARKS.
	Total number for hearing.†	Transferred to another province, withdrawn, &c.	Granted.		Rejected.			Pending at the close of the year.	Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Admitted.	Satisfied.	Realised during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 359 not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Courts other than Chief Courts of districts*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts...	202	23	11	101	57	1	...	6	9	4	6,558 3 0	1,519 8 11	1,985 9 8	1,590 8 11	Three struck off.
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total .	202	23	11	101	57	1	...	6	9	4	6,558 3 0	1,519 8 11	1,985 9 8	1,590 8 11	

* Specially empowered under section 360, Act X of 1877.

† That is, total of the entries in columns 3 to 9. Cases transferred from one Court to another *in the same province* will appear only against the Court by which decided, or in which pending at the close of the year if not decided

JUDICIAL STATEMENT No. 13 (CIVIL).

Statement showing use of juries and assessors in the Civil Courts in the province of British Burma, exclusive of the town of Rangoon, in the year 1882.

CLASSES OF COURTS IN WHICH JURORS OR ASSESSORS ARE EMPLOYED, DISTINGUISHING CRIMINAL FROM CIVIL COURTS.		Established or average number of jury or assessors in each case and prescribed qualifications.	Number of cases tried by jury.	Number of cases tried with assessors.	JURY TRIALS.					ASSESSORS' TRIALS.			REMARKS.
					Cases in which the Judge approved of the verdict.	Cases in which the Judge did not approve of the verdict.		Number of persons in respect of the verdict to whom the Judge disapproved.		Number of cases in which Judge agreed with assessors.	Number of cases in which Judge differed from		
						Wholly.	Partially.	Whose cases he referred under section 263, Civil Procedure Code.	Whose cases he did not refer under section 263, Civil Procedure Code.		One assessor.	Both assessors.	
1		2	3	4	5	6	7	8	9	10	11	12	13
I.—Civil Courts.													
Chief Court of districts (or officer specially empowered) acting under Act X of 1870	Assessors ...	2	...	1	...	...	...	...	...	1	...	...	
II.—Criminal Courts.													
Magistrates' Courts under Chapter XXXIX, Civil Procedure Code ...	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Courts of Sessions	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
	Assessors ...												
High Court, original criminal jurisdiction	Jurors ...	...	...	...	...	...	...	...	...	...	...	...	
Total ...		2	...	1	...	...	...	...	...	1	...	...	

Statement showing the total value in litigation and costs for all classes of civil cases, including execution of decrees and other miscellaneous applications disposed of in the different classes of Courts in the province of British Burma, exclusive of the town of Rangoon, during the year 1882.

Name of district or Court.	ORIGINAL.									APPEAL.	
			COSTS OF CASES.							COSTS OF CASES.	
	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of column 9 to column 3.	Total number of cases.	Total value of cases.
1	2	3	4	5	6	7	8	9	10	11	12
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.
Akyab	2,051	8,73,096 1 7	25,545 10 0	4,918 0 0	2,374 12 0	17,309 0 1	1,029 4 6	46,258 10 7	5·3	89	15,553 2 6
Kyoukpyoo	590	26,720 3 5	3,513 9 0	1,269 0 0	943 4 0	1,158 14 0	31 0 0	5,646 11 0	21·1	49	3,158 13 9
Sandoway	270	9,223 15 6	2,021 8 0	742 0 0	509 10 0	511 9 1	62 15 6	3,105 10 7	33·7	29	2,437 11 2
Commissioner of Arakan	...	.....	.....	.....	.....	.....	.....	.....	...	4	14,280 2 0
Hanthawaddy	2,635	3,70,295 3 1	37,936 15 0	6,111 8 0	1,852 4 0	14,001 12 3	96 0 0	53,996 15 3	14·6	98	26,267 11 3
Tharrawaddy	2,350	1,00,729 4 9	20,581 11 0	5,696 8 0	5,352 6 0	7,616 0 2	798 0 0	34,348 1 2	34·1	149	11,094 0 11
Prome	2,635	1,98,733 10 4	21,675 1 0	6,085 0 0	3,557 3 0	4,928 7 3	2,508 8 0	32,669 3 3	16·4	104	14,847 5 4
Commissioner of Pegu	...	.....	.....	.....	.....	.....	.....	.....	...	2	3,800 0 0
Thonegwa	3,199	2,11,801 13 0	27,015 0 0	7,537 12 0	5,129 2 0	12,277 11 2	683 4 0	45,105 1 2	21·3	173	19,150 12 7
Bassein	3,476	2,69,055 12 11	31,663 13 0	8,168 0 0	4,334 14 0	12,511 14 0	457 14 0	48,968 7 0	18·2	149	24,132 6 3
Henzada	2,523	1,59,540 6 8	23,344 7 0	6,577 0 0	3,444 10 0	7,996 8 6	151 0 0	34,936 9 6	21·9	212	7,481 2 1
Thayetmyo	1,169	51,870 2 10	6,232 3 0	2,561 12 0	1,849 8 0	1,710 14 10	336 14 0	10,129 7 10	19·5	74	529 8 6
Commissioner of Irrawaddy	...	.....	.....	.....	.....	.....	.....	.....	...	2	1,830 0 0
Amherst	1,517	1,38,715 2 7	11,305 0 0	3,635 8 0	2,254 6 0	4,374 1 0	185 12 0	18,119 3 0	13·1	68	12,390 6 9
Shwaygyin	1,423	1,04,593 13 9	13,538 12 0	3,333 8 0	1,990 10 0	3,476 2 7	114 0 0	19,119 8 7	18·3	71	11,819 7 0
Toungoo	1,068	77,912 4 11	9,404 8 0	2,436 8 0	1,614 12 0	6,068 8 0	312 2 0	17,619 14 0	22·6	59	7,579 6 2
Tavoy	497	40,496 5 5	4,603 10 0	1,321 0 0	1,245 8 0	2,031 6 2	370 5 5	8,450 13 7	20·9	68	11,669 0 5
Mergui	599	35,775 8 11	5,070 12 0	1,613 0 0	883 4 4	3,407 14 0	56 0 0	9,417 14 4	26·3	54	4,340 10 1
Salween	28	4,989 14 10	491 2 0	56 8 0	60 0 0	.....	.....	541 2 0	10·8	7	614 4 0
Moulmein	2,265	4,20,918 0 0	37,051 1 0	4,115 7 0	4,054 0 0	19,087 12 0	2,555 11 0	62,748 8 0	14·9	...	.....
Commissioner of Tenasserim	...	.....	.....	.....	.....	.....	.....	.....	...	6	20,196 3 11
Judicial Commissioner	...	.....	.....	.....	.....	.....	.....	.....	...	175	52,279 12 0
Total ...	28,225	30,94,567 12 6	2,81,184 10 0	66,577 15 0	41,650 1 4	1,18,488 7 1	9,748 10 5	4,51,071 12 10	14·6	1,642*	2,65,341 14 8

* Excludes 1 struck off.

Statement showing the total value in litigation and costs for all classes of civil cases, including execution of decrees and other miscellaneous applications disposed of in the different classes of Courts in the province of British Burma, exclusive of the town of Rangoon, during the year 1882—continued.

Name of district or Court.	APPEAL.						EXECUTION OF DECREES.				
	Costs of cases.						Costs of cases.				
	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses	Total amount of advocates' fees	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses
1	13	14	15	16	17	18	19	20	21	22	23
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	1,521 6 0	208 4 0	3 0 0	2,131 3 5	270 0 0	3,925 9 5	667	3,03,962 2 10	2,517 5 0	2,279 0 0	9 0 0
Kyoukpyoo	508 0 6	132 0 0	...	485 0 0	205 13 5	1,198 13 11	92	7,485 8 10	381 11 0	269 8 0	7 0 0
Sandoway	324 15 0	62 0 0	....	295 3 0	105 10 0	725 12 0	31	2,758 9 2	206 1 0	135 0 0	
Commissioner of Arakan	661 5 0	12 0 0	..	1,050 2 6	26 5 0	1,737 12 6	....	....	....	....	
Hanthawaddy	1,778 6 7	210 0 0	76 0 0	1,831 11 7		3,686 2 2	673	1,03,596 1 9	3,703 4 0	1,716 0 0	32 2 0
Tharrawaddy	837 4 0	92 0 0	..	636 7 9		1,473 11 9	332	17,342 10 5	1,284 9 0	980 13 0	53 8 0
Prome	1,146 12 0	187 0 0	.....	1,283 8 0	455 4 0	2,885 8 0	446	72,357 6 4	1,726 8 0	1,204 0 0	51 8 0
Commissioner of Pegu	242 8 0	8 0 0	..	190 0 0	....	432 8 0	...	...	...	.....	
Thonegwa	2,006 8 0	481 0 0	86 8 0	2,562 0 9	448 9 0	5,193 9 9	505	68,741 3 7	1,849 14 0	1,289 0 0	74 8 0
Bassein	2,243 0 0	366 0 0	..	3,738 0 0	1 0 0	5,982 0 0	710	92,246 2 8	2,547 13 0	1,733 0 0	
Henzada	1,125 0 0	572 0 0	...	955 4 0	....	2,080 4 0	394	15,146 3 10	2,304 13 0	1,291 0 0	12 0 0
Thayetmyo	584 8 3	160 0 0	..	485 10 0	372 9 6	1,442 11 3	138	11,518 6 8	369 7 0	333 8 0	1 8 0
Commissioner of Irrawaddy	4 8 0	..	..	..	8 0 0	12 8 0	.....	...	...	.....	....
Amherst	1,098 0 0	396 0 0	3 0 0	745 1 0	...	1,846 1 0	668	3,56,413 3 11	2,125 12 0	1,093 0 0	42 8 0
Shwaygyin	1,102 8 0	170 0 0	...	545 10 6	..	1,648 2 6	462	33,170 14 11	1,057 8 0	703 0 0	20 0 0
Toungoo	1,052 14 0	374 0 0	....	1,042 2 0	..	2,035 0 0	202	..	1,234 13 0	831 8 0	12 0 0
Tavoy	1,108 14 8	190 0 0	8 0 0	609 9 3	10 0 0	1,731 7 11	127	15,096 6 1	394 4 0	235 0 0	....
Mergui	415 15 0	122 0 0	..	512 4 0	100 0 0	1,028 3 0	159	13,058 4 10	519 9 0	329 8 0	5 0 0
Salween	37 10 0	.....	..	..	3 0 0	40 10 0	6	1,955 2 0	41 2 0	25 0 0	
Moulmein	..	..	....	..	....	..	1,054	6,21,120 0 0	3,761 15 0	2,230 9 0	.....
Commissioner of Tenasserim	1,608 0 0	57 8 0	..	850 3 0	11 0 0	2,469 3 0	...	....	.. ..	...	.....
Judicial Commissioner	4,717 1 0	489 0 0	....	5,579 15 8	1,948 10 0	12,245 10 8	.....	.	....	.. ..	....
Total	24,210 0 0	4,186 4 0	176 8 0	25,529 0 5	3,965 12 5	53,861 4 10	6,586	17,35,968 7 10	26,026 4 0	16,080 6 0	320 10 0

Statement showing the total value in litigation and costs for all classes of civil cases, including execution of decrees and other miscellaneous applications disposed of in the different classes of Courts in the province of British Burma, exclusive of the town of Rangoon, during the year 1882—(concluded).

Name of district or Court.	EXECUTION OF DECREES.			MISCELLANEOUS.							
	Costs of cases.					Costs of cases.					
	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.
1	24	25	26	27	28	29	30	31	32	33	34
	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	20 0 0	214 0 0	2,760 5 0	228	18,504 12 2	1,261 8 0	772 8 0	109 6 0	774 10 0	92 2 0	2,237 12 0
Kyoukpyoo	15 0 0	86 8 6	490 3 6	54	21,646 15 4	170 8 0	92 0 0	46 0 0	37 8 0	.....	254 0 0
Sandoway	.....	36 0 3	242 1 3	29	1,759 2 0	171 0 0	41 0 0	11 8 0	45 0 0	9 13 0	237 5 0
Commissioner of Arakan	.....	.....	.....	4	.....	4 8 0	.....	.....	.....	5 5 6	9 13 6
Hanthawaddy.	62 0 0	.....	3,797 6 0	417	33,717 2 9	1,033 6 0	479 10 0	255 1 0	704 0 0	16 8 0	2,008 15 0
Tharrawaddy	26 8 0	10 8 0	1,575 1 0	343	12,234 10 9	762 6 0	633 10 0	248 8 0	345 0 0	.....	1,355 14 0
Prome	35 0 0	778 7 0	2,591 7 0	398	25,770 7 10	784 2 0	529 0 0	178 0 0	664 8 0	244 6 0	1,891 0 0
Commissioner of Pegu	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Thonegwa	125 0 0	273 0 0	2,322 6 0	512	52,668 3 7	1,533 15 0	911 0 0	344 12 0	1,146 8 0	67 8 0	3,092 11 0
Bassein	63 8 0	383 15 0	2,995 4 0	602	75,630 7 3	2,115 8 0	1,299 8 0	414 12 0	1,367 4 0	109 0 0	4,008 8 0
Henzada	499 4 0	.....	2,816 1 0	224	21,435 7 9	339 0 0	200 0 0	.....	116 8 0	.....	455 8 0
Thayetmyo	.....	238 7 0	609 6 0	119	19,398 4 11	539 7 0	260 0 0	74 0 0	20 0 0	25 0 0	658 7 0
Commissioner of Irrawaddy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Amherst	25 0 0	434 6 7	2,627 10 7	423	20,090 3 6	685 15 0	311 0 0	169 4 0	264 0 0	52 0 0	1,171 3 0
Shwaygyin	25 0 0	7 8 0	1,110 0 0	128	25,657 0 6	695 12 0	387 0 0	233 0 0	190 0 0	.....	1,118 12 0
Toungoo	.....	1 8 0	1,248 5 0	223	.....	799 4 0	555 0 0	168 4 0	311 12 0	14 8 0	1,393 12 0
Tavoy	.....	114 2 11	508 6 11	20	8,758 1 0	75 6 0	41 0 0	53 4 0	.....	.....	128 10 0
Mergui	.....	7 8 6	532 1 6	62	357 12 4	157 11 0	97 8 0	19 0 0	.....	.....	176 11 0
Salween	.....	.....	41 2 0	1	.....	10 0 0	1 0 0	.....	.....	.....	10 0 0
Moulmein	.....	1,348 3 0	5,110 2 0	523	77,093 12 11	2,268 8 0	557 8 0	201 0 0	1,189 8 0	399 7 0	4,056 7 0
Commissioner of Tenasserim	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Judicial Commissioner	.....	.....	.....	157	12,161 12 5	436 11 0	27 0 0	.....	.....	132 4 0	568 15 0
Total ...	896 4 0	3,934 2 9	31,177 4 9	4,467	4,26,874 5 0	13,844 7 0	7,195 4 0	2,525 13 0	7,196 2 0	1,167 13 6	24,734 3 6

APPENDICES TO PART III.;

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the hill district of Northern Arakan on the last day of the year 1882 with the cost of tribunals.

NAME OF PROVINCE			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Court.	Total charges of the Court.	REMARKS.
								Judge of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts.	*Original.* Regular	*Original.* Miscellaneous.	*Appeal.* Regular.	*Appeal.* Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PROVINCE OF BRITISH BURMA.	Territory subject to the High Court ...	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	..	..	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ...	Civil ...	1,015	14,499	...	1	...	...	(a) 1	(b) 1	...	...	98	...	...	...	...	...	(a) Sessions Judge (the Commissioner of Arakan *ex officio*).
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	(b) Deputy Commissioner of the district.
	Total ...		1,015	14,499	...	1	...	...	1	1	...	...	98	...	...	...	...	...	

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the number and description of civil suits instituted in the Civil Courts in the hill districts of Northern Arakan in the year 1882.

CLASS OF COURTS.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.															GRAND TOTAL.	REMARKS.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Branch of contract not mentioned above.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion, or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immoveable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 211, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																						
I.—Civil Courts.																																						
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	1	39	8	...	...	...	4	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	15	1	...	...	...	...	...	...	*88	
Total	...	...	1	39	8	...	...	...	4	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	15	1	...	...	...	...	...	...	88	
II.—Revenue Courts.																																					
Unpaid local tribunals ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the presidency or seat of Government.																																					
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	...	1	39	8	...	...	...	4	18	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	15	1	...	...	...	...	...	...	88	

* Includes 57 suits referred to paid Chief for disposal.

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the number and value of suits instituted in the Civil and Revenue Courts in the hill district of Northern Arakan in the year 1882.

CLASS OF COURTS.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS									TOTAL VALUE OF SUITS.	REMARS.
	Not exceeding Rs. 10	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P	
I.—Civil Courts.											
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	
Paid subdivisional tribunals	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	...	...	...	...	...	...	6,279 11 9	
	7	42	20	19	...	...	...	...	...		
Total	7	42	20	19	...	...	...	...	...	6,279 11 9	
II.—Revenue Courts.											
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	.....	
III.—Courts at the presidency or seat of Government.											
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	7	42	20	19	...	...	...	...	...	6,279 11 9	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of civil and revenue cases in the Courts of Original Jurisdiction in the hill district of Northern Arakan in the year 1882.

PART I.—Civil Suits.

CLASS OF COURTS.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		REMARKS.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
CLASS OF COURTS.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid sub-divisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	88	...	(a) 9	1	17	1	...	48	9	3	...	...	...	32	5·47	(a) Six cases dismissed for default. Three cases withdrawn with leave.
Total	...	88	...	9	1	17	1	...	48	9	3	....	...	...	32	5·47	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the presidency or seat of Government.																
Presidency Small Cause Court	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	88	...	9	1	17	1	...	48	9	3	...	...	32	5·47	

STATEMENT No. 9, PART II.—MISCELLANEOUS CASES (JUDICIAL).—*Blank.*

STATEMENT NOS. 10 TO 13 (JUDICIAL).—*Blank.*

Statement showing the total value in litigation and costs for all classes of civil cases, including execution of decrees and other miscellaneous applications, disposed of in the different classes of Courts in the district of Arakan Hill Tracts during the year 1882.

Name of district or Court.	ORIGINAL.								APPEAL.								EXECUTION OF DECREES								MISCELLANEOUS.									
	Total number of cases.	Total value of cases.	Cost of cases						Percentage of column 9 to column 3	Total number of cases	Total value of cases	Cost of cases					Total number of cases	Total value of cases	Cost of cases						Total number of cases	Total value of cases.	Cost of cases.							
			Total amount of court fees, including process fees	Total amount of process fees	Total amount of diet money paid to witnesses	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges	Total				Total amount of court fees, including process fees	Total amount of process fees	Total amount of diet-money paid to witnesses	Total amount of advocates' fees	Total amount of fees for commissions and other miscellaneous charges	Total			Total amount of court fees, including process fees	Total amount of process fees	Total amount of diet-money paid to witnesses	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges	Total			Total amount of court fees, including process fees.	Total amount of process fees	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees	Total amount of fees for commissions and other miscellaneous charges	Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35
		Rs A. P		Rs A. P				Rs. A P																									
Arakan Hill Tracts ...	88	6,279 11 9	...	6 8 0	...	...		6 8 0	1	...	.	...	...	...	.	..	.	..	.	...	...	.	...	.	...	..	..	...	..	..	...	...	...	...
Total ...	88	6,279 11 9	...	6 8 0	..	..		6 8 0	1	...	...	...	..	...		..	...	...	..	..	..	...	...	...	...	...	...		...	...	..	...	...	...

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1883.

RANGOON:
PRINTED AT THE GOVERNMENT PRESS.

1884.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1883.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 16B., dated the 8th July 1884.

READ—

Report on the Administration of Civil Justice in British Burma during the year 1883.

RESOLUTION.—*Work of the Courts.*—The work of the Civil Courts in British Burma varies but little from year to year. In 1883 32,957 regular suits were instituted as compared with 32,267 in the previous year. In the Courts under the supervision of the Judicial Commissioner the variations are for the most part unimportant. Litigation in Prome, which rose to an abnormal height in 1882, has now receded to its ordinary level. The large increase in the number of suits filed in Pegu and Hanthawaddy is perhaps due to the provision of greater facilities to litigants by the division of the districts, which was effected early in the year under review. The character of the litigation calls for no remarks. It is presumed that instructions have issued for the purpose of securing greater accuracy in the classification of cases and to remove the doubts in this matter expressed by Mr. Jardine. In the Recorder's Court the number of regular cases instituted decreased from 166 to 141, but in the Rangoon Court of Small Causes the number of suits filed rose from 3,870 to 3,911. The total number of miscellaneous cases instituted in all Courts decreased from 7,267 in 1882 to 6,945 in the past year.

2. *Value of Suits.*—The value of the subject-matter of original suits instituted again decreased, the value in 1883 being Rs. 35,22,709 as compared with Rs. 42,68,984 in 1882. The average value of each suit decreased from Rs. 135 in 1882 to Rs. 109 in the year under review. Of the total number of suits to which a money value can be assigned, 14 per cent. were less than Rs. 10 in value and, as in the previous year, 80 per cent. were less than Rs. 100 in value. The fall in the total value of suits was due to the marked decrease in the Recorder's Court and in the Court of the Deputy Commissioner, Akyab. The cause of the latter decrease is explained in the Judicial Commissioner's report.

3. *Disposal of Work.*—The number of regular suits disposed of increased from 32,461 in 1882 to 32,806 in the year under review. The number of suits disposed of by Small Cause Courts increased, the numbers being 7,677 in 1882 and 8,337 in 1883. In the year under review Small Cause Courts disposed of more than one-fourth of the total number of cases decided. The establishment of a Small Cause Court at Henzada partly accounts for this.

The number of regular suits tried by the Recorder of Rangoon decreased from 155 in 1882 to 77 in the year under review, and 94 cases were pending at the close of the year, of which 58 had been pending for more than three months. In consequence of the large quantity of arrears it was found necessary, soon after the close of the year under review, to appoint an Additional Recorder, with whose assistance the files are being rapidly cleared.

Of the total number of cases disposed of by all Courts 12,588, or 38·4 per cent., were contested. The proportion is higher by a small fraction than the proportion in the previous year. The number of cases compromised was as usual comparatively small, the numbers for the past two years being 2,386 and 2,135 respectively. It may be noted however that the number of cases in which no trial was held was 8,183 as compared with 7,386 in the previous year. No doubt a large number of these cases are amicably settled by the parties without the fact of the compromise being reported to the Court. The number of suits in which the defendant appeared and admitted the claim decreased from 4,558 in 1882 to 4,449 in the past year. There was also a decrease of nearly 2 per cent. in the proportion of cases decreed *ex-parte*, of which the numbers in the last two years were 5,525 and 5,166 respectively. The Judicial Commissioner considers the decrease in the number of cases decreed *ex-parte* to be an indication that the quality of the work of the subordinate Courts continues to improve. In 18,241 cases, or over 80 per cent. of the total number actually tried, the plaintiff was more or less successful. The proportion of contested cases in which the plaintiff was successful was 67 per cent. Both these percentages are almost identical with the corresponding percentages of the previous year.

4. *Duration of Suits.*—The average duration of original suits in the various classes of Courts is shown in the following table :—

	Contested.	Uncontested.
Superior Courts	170·15	61·28
District Courts	82·33	10·59
Small Cause Court	16·78	13·85
Other subordinate Courts	23·99	15·04

The number of cases pending at the close of the year was 1,146 as compared with 965 at the end of 1882. There was a small increase in the number of cases left pending in the Courts subordinate to the Judicial Commissioner and a very considerable increase in the number pending in the Courts in Rangoon.

5. *Execution of Decrees.*—The statistics relating to the execution of decrees differ but little from those of the previous year. The number of applications for execution of decrees, 8,568, was less by 13 than the number in 1882. In 4,600 cases, or 53·7 per cent., full or partial satisfaction was obtained. In 3,464 cases, or 40·43 per cent., the applications were wholly infructuous. These percentages are practically the same as the corresponding figures of the previous year. Processes of imprisonment were issued in 2,419 cases as compared with 2,654 in 1882. But the number of persons actually imprisoned increased from 486 to 597. The very large increase in the number of persons imprisoned in Henzada, where the numbers were in 1882 thirty-seven and in the year under review 103, will be made subject of special enquiry. The number of sales of immovable property decreased from 527 in 1882 to 448 in the past year. The remaining figures under this head call for no comment.

6. *Appeals.*—There was a small increase in the number of regular appeals before the Courts, the number in 1882 being 1,786 and in the year under review 1,797. There were 18 appeals before the Special Court, the same number as in the previous year. The proportion of appeals preferred during the year to the total number of appealable cases decided after contest was about 16 per cent., a proportion slightly higher than that of 1882. The results of appeals did not differ materially from those of previous years. The work of the lower grades of subordinate Courts did not stand the test of appeal quite so well as in 1882, the percentage of successful appeals among 1,526 appeals disposed of by Deputy Commissioners being 38·6 in 1883 as compared with 36·3 in the preceding year. The corresponding proportion in 11 appeals decided by Commissioners was 54·5 per cent., and in 134 appeals decided by the Judicial Commissioner 27·6 per cent. The Special Court decided 12 appeals and reversed or modified the decision of the lower Court in 41·67 per cent. of the cases heard. Of the total number of appeals disposed of by all Courts, 61·2 per cent. were entirely unsuccessful, a proportion which differs only by a small fraction from the corresponding proportion for 1882. The average duration of each appeal was 30 days in District Courts, 42 days in Commissioners' Courts, and 82 days in the Judicial Commissioner's Court. Except in the case of the Commissioners' Courts, the high average in which is explained by the Judicial Commissioner, appeals were more promptly decided in the past year than in 1882.

7. *Special Proceedings.*—With the exception of one vice-admiralty case, the only special proceedings which require notice are applications for declarations of insolvency. The number of cases instituted in the Recorder's Court was 22 as compared with 20 in the previous year. In the Courts under the control of the Judicial Commissioner there were 195 applications as compared with 202 in 1882. Twenty similar applications were presented in the Rangoon Court of Small Causes.

8. *Cost of Litigation.*—A table showing the cost of litigation has again been attached to the provincial statements. In the Courts under the supervision of the Judicial Commissioner the cost of original litigation has increased. The total amount of costs in original suits was Rs. 4,86,899, or 16·6 per cent. of the total value of the suits. In 1882 the proportion of costs was only 14·6 per cent. On the other hand the cost of prosecuting appeals, though actually higher, was proportionately lower than in the previous year, the figures being Rs. 53,881 (20·3 per cent.) in 1882 and Rs. 55,974 (17·5 per cent.) in the year under review. Advocates' fees amounted to 4·2 per cent. of the value in original suits and to 7·8 per cent. in appeals. The former percentage is more, the latter less, than the corresponding figures in the previous year. Costs of execution of decrees amounted to 3·5 per cent. of the value of the decrees executed as compared with 1·79 per cent. in 1882. The cost of original litigation varied from 7·5 per cent. in Moulmein to 42·9 per cent. in Hanthawaddy. The Judicial Commissioner has not commented on the figures discussed in this paragraph. The Chief Commissioner commends the subject to his consideration, with special reference to the increased cost of litigation in the year under review and the great variation in the cost of legal proceedings in the several districts of the province.

9. *General Remarks.*—Early in the year, with a view to protect ignorant Karens who were in danger of falling into the hands of unscrupulous money-lenders, provision was made for transferring to the Collector the execution of certain decrees passed by Courts in the Bassein district. The annual report for the past year of the result of this experiment which was called for by the Government of India has not yet reached the Chief Commissioner. It will be convenient in future if the subject is mentioned in the civil justice report. The Chief Commissioner concurs with Mr. Jardine in placing much stress on the necessity for inspection. The annual returns of days passed by each officer in the interior of his district show that most officers now spend a reasonable number of weeks away from their headquarters. The proposal of the Judicial Commissioner that the Deputy Commissioner or an experienced Assistant should be required, at least once a year, to inspect the work of every subordinate commends itself to the Chief Commissioner's judgment and should be carried into effect. The Chief Commissioner has noticed with pleasure the commendation bestowed on the officers named in paragraphs 5 and 10 of the Judicial Commissioner's report as having shown special activity in supervising subordinate Courts. The Chief Commissioner has also read with interest Mr. Jardine's account of the steps which have been taken to raise the qualifications of advocates, of Dr. Forchhammer's learned researches into the origin of Buddhist law, and of the issue of translations of various Burmese law-books. The suggestion that Burmese manuals of the law of tort, contract, and evidence should be issued is one which the Chief Commissioner would be glad to see carried out. The present Judicial Commissioner has kindly consented to draw up one or more such manuals. The translation of Mr. Ward's and other manuals selected by the Judicial Commissioner can be arranged by the Government Translator. The Chief Commissioner will be glad to consider any proposals which the Judicial Commissioner may make on the subject.

By order of the Chief Commissioner,

E. S. SYMES,

Offg. Secretary.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1883.

PART I.

Courts exercising jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1883 there were seven appeals from the decision of the Judge of the town of Moulmein, and there were two transferred from the Judicial Commissioner's Court by order of the Chief Commissioner, and nine were pending from the previous year, making in all eighteen appeals for disposal. Of these twelve were disposed of and six were pending at the close of the year. In the previous year fifteen appeals were filed from the decision of the Judge of the town of Moulmein and nine disposed of.

2. The following is the comparative table showing results of the two past years :—

Year.	Number of appeals pending at the close of the previous year	Number of appeals instituted in 1883.	Total for disposal	Result.					
				Confirmed	Modified.	Reversed.	Compromised.	Remanded.	Pending
1882	8	15	18	4	...	3	2	...	9
1883	9	9	18	7	1	3	...	1	6

3. Besides the above there was one application under section 622 of the Civil Procedure Code to revise an order passed by the Judge of the town of Moulmein : this application was dismissed on the ground that section 75 of the Burma Courts Act, 1875, did not give this Court jurisdiction to revise orders not appealable.

4. There was also one reference by the Court of the Judicial Commissioner to this Court for determination under section 76 of the Burma Courts Act (XVII of 1875) which was disposed of as follows :—

This was an appeal before the Judicial Commissioner and he had doubts as to whether an advocate could sue for his fees without having his bill taxed, and the points referred by him were—

(1) that expressed words are required, as in the Legal Practitioners Act, to limit the operation of section 89 of the Burma Courts Act to fees between party and party ;

(2) that where there are no general rules regulating the scale of costs, there is more reason for interposing the discretion of the presiding Judge and that the operation of section 89 is not limited by such words as "when rules have been made under the next section;" and

(3) whether services performed in connection with the case by the advocate and not strictly legal work have to be taxed by the taxing Court before suit for remuneration can be brought.

On the first point it was held that nothing in the words of section 89 indicated that the Legislature intended to limit its operation to fees between party and party, and that for this purpose distinct words were deemed necessary in section 27 of the Legal Practitioners Act (XVIII of 1879). On the second point referred held that although the Judicial Commissioner has not made regulative rules about taxation of fees between advocate and client under section 90, the presiding Judge of a Court is to use the discretion when justice requires it which is expressly conferred on him by section 89. On the third point it was held that the words of section 89, "business done in any Court," are intended to include professional services connected with the litigation whether performed within or without the walls of the Court, but would exclude from the meaning of the words "business done in any Court" such services as are beyond the business of a legal practitioner such as contracts of sale and lease, interviews with the revenue officers of Government, employment and payment of engineers and surveyors, and so forth.

5. During the year two appeals were preferred to the Privy Council from the decisions of this Court.

6. The revenue of the Court during the year from court-fee stamps amounted to Rs. 1,656-5-0 and the expenditure Rs. 1,800. In the previous year the revenue was Rs. 5,520-7-0 and the expenditure Rs. 1,800.

7. The Judges of the Court during the year from 1st January to 1st March 1883 were Mr. C. J. Wilkinson and Mr. John Jardine, from 19th March to 5th April were Mr. John Jardine and Mr. C. F. Egerton Allen, from 5th April to 11th June were Mr. C. F. Egerton Allen and Mr. J. F. Browne, and from 11th June 1883 to the close of the year were Mr. John Jardine and Mr. C. F. Egerton Allen.

RANGOON:
The 4th March 1884.

JOHN JARDINE,
C. F. EGERTON ALLEN,
Judges of the Special Court of British Burma.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Civil Justice in the Court of the Recorder of Rangoon and in the Court of Small Causes, Rangoon.

DURING the year 1883, 337 cases were instituted, of which 142 were regular (including one admiralty), 22 insolvency, and 173 miscellaneous as compared with 357 cases in the previous year, namely, 168 regular (including 2 admiralty), 20 insolvency, and 169 miscellaneous cases, showing a decrease of 25 regular and 1 admiralty and an increase of 2 insolvency and 4 miscellaneous cases. The following cases were pending at the close of the year 1882, namely, 32 regular, 14 insolvency, and 3 miscellaneous, thus making a total of 386 cases for disposal during the year. Of these, the following were disposed of, namely, 77 regular, 23 insolvency, and 160 miscellaneous; and 2 regular and 1 miscellaneous suits were transferred to the Court of the Judicial Commissioner under section 59 of the Burma Courts Act at the request of Mr. Allen, the Officiating Recorder, in consequence of his having represented one of the parties as advocate previous to his appointment as Officiating Recorder; and there remained pending at the close of the year 1883 94 regular, 1 admiralty, 13 insolvency, and 15 miscellaneous cases. In the previous year, 155 regular, 2 admiralty, 18 insolvency, and 173 miscellaneous cases were disposed of.

2. The total value of suits instituted during the year amounted to Rs. 4,35,097; and the amount of court-fee stamps realized was Rs. 31,920-9-0; while the total value of suits disposed of amounted to Rs. 5,05,151. In the year 1882 the value of suits instituted amounted to Rs. 7,36,070 and the court-fee stamps Rs. 36,904-5-0, the value of suits disposed of being Rs. 6,51,358.

3. The above particulars are shown in detail in the following tables:—

Year.	Number of suits instituted						Number of suits disposed of.						Number of suits pending.						Value of suits instituted.	Value of suits disposed of.
	Regular.	Matrimonial	Vice-admiralty.	Insolvency	Miscellaneous.	Total.	Regular.	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular	Matrimonial.	Vice-admiralty.	Insolvency.	Miscellaneous	Total.		
1882 ...	166	.	2	20	169	357	155	...	2	18	173	348	32	.	...	14	3	49	Rs 7,36,070	Rs 6,51,358
1883 ...	141	...	1	22	173	337	77	.		23	160	260	94	.	1	13	15	123	4,35,097	5,05,151
Increase.	...	.	...	2	4	..	.	...	.	5	...	.	62	...	1		12	74		
Decrease .	25	...	1	.	...	20	78	.	2		13	88	...	...	...	1	...	...	3,00,973	1,46,207

Statement of Court-fees realized.

Year.	Process fees.	Amount realized under Act VII of 1870, schedule I, articles 1 to 9 inclusive.	Amount realized under the same schedule, Nos. X to XII.	Amount realized under schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1882	1,787 8 0	21,081 9 0	13,030 0 0	1,055 4 0	36,904 5 0
1883	1,822 0 0	21,256 4 0	8,535 0 0	807 5 0	31,920 9 0
Increase ...	...	174 11 0	...	...	...
Decrease ...	415 8 0	...	4,495 0 0	247 15 0	4,988 12 0

4. It will be seen from the above tables that the value of suits instituted fell off by Rs. 3,00,973 and the amount of court-fees by Rs. 4,983-12-0. The decrease of the latter occurred under the head of duty on letters-of-administration and probate. The amount of court-fees realized under schedule I, articles 1 to 9, entered in column 3 of the above statement, includes a sum of Rs. 2,050 realized during the year from pauper suits instituted during the years 1882 and 1883.

5. Of the 77 regular cases disposed of, 31 were contested and 46 uncontested. The average duration of the former was 174 days and of the latter 60 days, whereas in the previous year it was 96 and 36 days respectively.

6. There were 3 references made to the High Court of Calcutta on points of law under section 54 of the Burma Courts Act, 1875.

7. There were 8 applications made to this Court under section 622 of the Civil Procedure Code for revision of the judgments and decrees passed by the First Judge of the Small Cause Court. In two of these cases the judgments and decrees were revised; one was the subject of a reference to the High Court of Calcutta; the decisions in the remaining cases were not interfered with. There were also 2 applications against the judgment and decree of the Second Judge of the Small Cause Court, but the decisions were not interfered with.

8. During the year 1 appeal which was pending at the close of the year was preferred to the High Court of Calcutta from the judgment and decree of this Court. The appeals preferred in 1882 to the Privy Council and the High Court were also still pending at the close of the year 1883.

9. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Class.	Number of probates granted.	Number of letters-of-administration.	Number of letters-of-administration with will.	Value of estates.
				Rs.
Europeans and Eurasians	3	5	2	1,16,650
Buddhists ... { Burmese	...	2	...	11,700
Buddhists ... { Chinese	1	8	...	16,000
Mahomedans	1	8	1	96,850
Hindus	...	8	...	2,06,150
Total ...	5	21	3	4,46,850

10. In the previous year 4 probates, 16 letters-of-administration without copies of will annexed, and 2 letters-of-administration with copies of will annexed,

were granted. The value of the estates amounted to Rs. 6,10,621 and the court-fee stamps Rs. 13,030, the latter being Rs. 4,495 more than in the year under review.

Vice-admiralty Jurisdiction.

11. There was one suit filed in this jurisdiction, the value of which amounted to Rs. 4,500 (already included in the value of suits): this case remained pending at the close of the year. In the previous year there were 2 cases of the aggregate value of Rs. 26,639.

Insolvency Jurisdiction.

12. There were 22 petitions presented in this jurisdiction during the year, 20 for personal discharge, and 2 for final discharge; and the petitions of 16 persons were pending at the close of the previous year.

13. The following table shows the particulars of the insolvency cases:—

Town.	Number of persons whose applications were pending at the close of 1882.	Number of petitions filed during 1883.	Number of persons.	Total number of persons.	Personal discharge granted.	Result.						
						Final discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn with leave.	Struck off in default.	Pending.
Rangoon ...	8	17	19	27	10	1	...	5	...	1	1	9
Moulmein ...	6	4	4	10	8	...	...	2	...	...	...	5
Akyab ...	2	1	1	3	...	1	...	...	...	...	...	2
Total ...	16	22	24	40	18	2	...	7	...	1	1	16

14. In the year 1882 there were 20 petitions presented by 21 persons.

15. The Recorder visited Moulmein once during the year, but was not able to visit Akyab from press of work.

16. The late Mr. Wilkinson was Recorder up to the 1st March 1883, and Mr. Allen officiated from the 19th March to the end of the year.

17. The total revenue of the Court during the year was Rs. 31,940-1-0 and the expenditure was Rs. 46,829-7-2. The following statement gives in detail the receipts and expenditure:—

Receipts.	Rs.	A.	P.	Expenditure.	Rs.	A.	P.
Amount realized by court-fee stamps ...	31,920	9	0	Recorder's salary ...	28,309	10	9
Amount realized by fines...	19	8	0	Establishment ...	15,434	8	11
Excess of expenditure over receipts ...	14,889	6	2	Process-serving establishment, being one-third of bailiff's salary and two peons, the remainder being charged to the Small Cause Court	1,168	0	0
				Contingencies ...	786	2	6
				Rates and taxes ...	360	0	0
				Subsistence of witnesses ...	596	1	0
				Travelling allowance of Recorder and establishment ...	225	0	0
Total ...	46,829	7	2	Total ...	46,829	7	2

NOTE—The salary of the Chinese interpreter is not included in the expenditure, he being chiefly engaged in the Magistrates' Courts.

18. The reasons for the increase in the cost of establishment for last year were the entertainment of a shorthand writer on Rs. 250 a month and the increase of the salary of three interpreters by Rs. 50 a month each.

THE COURT OF SMALL CAUSES.

19. During 1883 there were instituted 3,911 regular suits and 2,607 miscellaneous suits, or 6,518 in all, against 3,870 regular and 2,614 miscellaneous, being an increase of 41 regular and a decrease of 7 miscellaneous, or an increase of 34 suits over the previous year.

20. There were pending at the close of the previous year 205 regular and 84 miscellaneous, and there were during the year under review 69 new trials and 3 reviews of judgment, thus making a total of 4,188 regular and 2,691 miscellaneous cases for disposal during the year. Of this number, the First Judge disposed of 1,542 regular and 2,455 miscellaneous; and the Second Judge disposed of 2,379 regular and 156 miscellaneous cases.

21. In 12 regular cases on the file of the Second Judge the First Judge sat with him.

22. At the close of the year there remained pending 267 regular and 80 miscellaneous cases, or 347 in all.

23. In the First Judge's Court 473 regular suits were contested and 1,069 uncontested, and the average duration was 21·6 days.

24. In the Second Judge's Court there were 698 contested and 1,681 uncontested, and the average duration was 17·36 days. But taking the two Courts together, the average duration for contested cases was 22·56 days and for uncontested 17·53 days.

25. Mr. Lingham reports that rent suits increased from 341 in 1882 to 435 in 1883.

26. The following tables show the nature of the miscellaneous cases disposed of by each Judge:—

First Judge.

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused or withdrawn or rejected.	Executed.	Unexecuted.	Pending at the close of the year.
Reference to High Court	...	5	5	5	...	...	...	...
For removal of attachment	1	43	44	16	22	...	...	6
To sue in *forma pauperis*	...	14	14	6	8	...	...	...
For new trial	1	45	46	12	32	...	...	2
To set aside *ex-parte* decree	2	82	84	19	15	...	...	...
For review of judgment	...	10	10	6	4	...	...	...
Application for certificate of non-satisfaction with copy of the decree forwarded to other Courts for execution	...	89	89	89	...	...	...	...
Commission from other Courts to examine witnesses	3	76	79	...	...	33	43	3
Processes from other Courts forwarded to this Court for service	24	528	552	131	413	...	...	8
Applications under Chapter XX of the Code of Civil Procedure	...	20	20	9	8	...	...	3
To furnish security before judgment ...	...	57	57	27	30	...	...	...
Other cases	15	243	258	152	98	...	...	8
Total ...	46	1,162	1,208	472	630	33	43	30

Second Judge.

Nature of application.	Pending at the close of the year.	Instituted during the year.	Total for disposal.	Granted.	Refused.	Executed.	Unexecuted.	Pending at the close of the year.
Removal of attachment	...	11	11	8	3	...	...	...
For new trial	1	34	35	8	25	...	...	2
To set aside *ex parte* decree	2	25	27	17	10	...	...	...
For review of judgment	...	6	6	5	1	...	...	...
Commission from other Courts for the examination of witnesses	2	36	38	...	...	20	18	...
Other cases	...	41	41	21	20	...	...	...
Total ...	5	153	158	59	59	20	18	2

27. The financial working of the Court shows an excess of receipts over disbursements of Rs. 4,912-4-5 as will be seen by the following statement:—

Receipts.	Amount.	Expenditure	Amount	Total
	Rs A P		Rs A P	Rs. A. P
Amount realized by stamps .. .	28,343 14 0	First Judge's pay . . .	12,000 0 0	
		Second Judge's pay	5,661 4 7	17,661 4 7
Tullubana fund collected in cash .	5,395 10 0	Establisement	7,864 0 0	
		Contingencies	400 11 0	8,264 11 0
Fines	10 12 0	Two thirds share of the bailiff's pay, two-thirds share of the head peon's pay, and pay of eight peons of the bailiff's establishment debited to this Court by direction of the Recorder of Rangoon	...	2,912 0 0
General		*General*		
Amount of interpreters' fees realized during the year	2,090 8 0	Amount disbursed to the interpretors during the year	..	2,090 8 0
		Balance of receipt over expenditure .	.	4,912 4 5
Total	35,840 12 0	Total .	..	35,840 12 0

28. Mr. Lingham and Maung Ba Wa were the First and Second Judges of the Court throughout the year.

29. Mr. Lingham in his report says that for about six weeks he was unable to finish his part of the work owing to the unavoidable absence of his interpreters and his inability to replace them.

RANGOON :
The 20th June 1884.

W. F. AGNEW,
Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From JOHN JARDINE, Esq., Bo. C.S., Judicial Commissioner, British Burma, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 795-1, dated the 17th April 1884.

I HAVE the honour to submit the Civil Justice Report for 1883 together with the usual returns.

2. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year :—

Division.	Name of district.	Instituted.		Disposed of.		Pending at close of year. Above four months.		Total pending.	
		1882.	1883.	1882.	1883.	1882.	1883.	1882.	1883.
ARAKAN.	Akyab	1,406	1,385	1,515	1,364	...	..	25	46
	Akyab Small Cause Court	539	378	536	382	...	...	5	1
	Kyaukpyu	524	565	520	565	...	...	8	8
	Sandoway	271	266	270	257	...	1	2	11
	Total	2,830	2,594	2,841	2,568	...	1	40	66
PEGU.	Hanthawaddy	2,671	1,169	2,635	1,160	5	...	84	24
	Pegu		2,078		2,034		8		74
	Tharrawaddy	2,170	1,876	2,190	1,882	...	4	38	32
	Tharrawaddy Small Cause Court	160	286	160	283	...	...	...	3
	Prome	2,526	1,913	2,491	1,978	...	...	87	22
	Prome Small Cause Court	144	189	144	187	...	...	...	2
	Judicial Commissioner, British Burma	...	2	...	2	...	...	..	...
	Total	7,671	7,513	7,620	7,526	5	12	209	157
IRRAWADDY.	Henzada	2,483	2,341	2,523	2,386	5	...	50	64
	Henzada Small Cause Court		503		489		...		14
	Bassein	3,355	3,284	3,394	3,307	1	...	95	72
	Bassein Small Cause Court	82	300	82	299	...	...	...	1
	Thôngwa	3,209	3,549	3,190	3,515	..	...	51	85
	Thayetmyo	1,091	1,152	1,095	1,133	...	...	30	49
	Thayetmyo Small Cause Court, Assistant Judge	...	...	...	...	...	...	...	..
	Thayetmyo Small Cause Court, Judge	68	115	74	113	...	...	2	4
	Total	10,288	11,244	10,367	11,192	6	...	237	289
TENASSERIM.	Amherst	1,512	1,606	1,517	1,649	...	...	26	43
	Shwegyin	1,244	1,235	1,206	1,248	...	3	68	55
	Shwegyin Small Cause Court	213	177	217	177	...	...	5	5
	Toungoo	737	776	737	758	...	2	11	29
	Toungoo Small Cause Court	331	372	331	360	..	...	1	7
	Tavoy	498	474	497	458	...	...	6	22
	Mergui	560	534	590	529	...	...	2	7
	Salween	29	39	28	40	...	...	1	...
	Moulmein Judge's Court	117	103	126	106	7	5	16	13
	Moulmein Small Cause Side	2,097	2,104	2,139	2,120	9	1	106	90
	Total	7,338	7,490	7,397	7,451	16	11	242	271
	GRAND TOTAL	28,127	28,831	28,225	28,737	27	24	728	783
	Increase	...	704	...	512	...	...	..	55
	Decrease	..	...	...	...	...	3	.	.

NOTE.—Thirty-nine suits pending from the previous year in the Tanmanaing Court of the Hanthawaddy district are excluded from this table as they were lost in the burning of the court-house.

Increase and decrease in the different districts during the year:—

Name of district.	Increase.		Decrease.	
	Instituted.	Disposed of.	Instituted.	Disposed of.
Akyab	...	...	272	305
Kyaukpyu	41	45	...	...
Sandoway	...	...	5	18
Hanthawaddy	576	559	...	...
Pegu				
Tharrawaddy	...	...	168	185
Prome	...	...	568	470
Judicial Commissioner, British Burma	2	2	...	...
Henzada	861	802	...	...
Bassein	147	180	...	...
Thôngwa	340	316	...	...
Thayetmyo	108	77	...	...
Amherst	154	132	...	...
Shwegyin	...	2	45	...
Toungoo	80	56	...	...
Tavoy	...	...	24	89
Mergui	...	...	26	70
Salween	10	12	...	...
Moulmein	...	...	7	89

The totals do not differ much in the two years. The decrease in Akyab is attributed to high prices of paddy, which enabled the cultivators to pay their debts; the decrease in Prome is said to be the result of greater caution of the Chetties in lending.

3. The following table shows the character of the original litigation in the different districts and classes of Courts :—

Division.	Name of district.	Number of Suits.													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For movable property or value thereof	For damages.	For immovable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Arakan.	Akyab	243	161	23	101	85	157	120	188	128	59	9	31	80	1,385
	Akyab Small Cause Court	...	131	...	90	68	28	11	45	5	...	...	...	...	378
	Kyaukpu	53	40	...	70	46	20	31	82	87	46	1	12	77	565
	Sandoway	30	27	...	29	20	3	6	49	43	19	...	7	24	260
	Total ...	326	359	23	290	228	208	168	364	263	124	10	50	181	2,591
Pegu.	Hanthawaddy ...	255	330	7	8	43	96	25	251	87	18	...	24	25	1,169
	Pegu	824	477	6	4	234	2	176	113	66	10	1	36	99	2,078
	Tharrawaddy	176	172	4	178	343	5	...	229	511	77	18	80	83	1,876
	Tharrawaddy Small Cause Court... ...	38	109	10	5	100	..	...	2	22	...	.	...		286
	Prome ...	200	258	11	45	350	116	25	84	404	140	11	95	108	1,913
	Prome Small Cause Court	48	26	3	1	61	50	...	...	...	...	...	...	.	189
	Judicial Commissioner, British Burma ...	.	...	...	...	...	1	...	...	...	...	...	...	1	2
	Total ...	1,601	1,372	41	241	1,161	270	220	670	1,090	251	30	235	316	7,513
Irrawaddy	Henzada	203	102	35	212	271	33	64	350	628	154	16	99	114	2,341
	Henzada Small Cause Court	129	93	..		109	75	...	53	...	.	...	..	44	503
	Bassein	486	490	27	228	480	123	5	575	519	132	1	132	136	3,284
	Bassein Small Cause Court	190	54	...	6	90	13	...	..	.	...	...	...	7	300
	Thôngwa	713	626	26	220	692	117	67	201	443	47	2	80	315	3,519
	Thayetmyo	36	6	5	338	215	123	16	87	184	50	...	38	54	1,152
	Thayetmyo Small Cause Court, Assistant Judge	...	...	..	...	...	...	...	...	...	...	...	...	...	...
	Thayetmyo Small Cause Court, Judge ...	40	4	...	.	63	...	1	...	...	...	...	...	7	115
	Total ...	1,797	1,435	93	1,004	1,870	484	153	1,266	1,774	383	19	349	677	11,244
Tenasserim.	Amherst	484	330	17	126	153	76	81	173	66	47	1	32	80	1,666
	Shwegyin	178	7	47	313	208	60	60	184	61	18	2	42	55	1,235
	Shwegyin Small Cause Court	18	27	7	29	38	12	...	23	18	...	...	...	5	177
	Toungoo ...	116	48	7	92	130	13	84	63	67	51	1	51	83	776
	Toungoo Small Cause Court	76	28	2	49	122	3	1	33	7	...	...	...	51	372
	Tavoy	71	71	10	9	98	8	17	94	20	46	...	...	30	474
	Mergui	222	42	9	23	120	34	8	5	30	14	...	18	9	534
	Salween ...	9	8	...	4	10	7	...	..	...	...	...	1	...	30
	Moulmein, Judge's Court	27	1	...	2	2	...	...	6	3	5	1	13	43	103
	Moulmein, Small Cause side	960	179	33	67	367	172	21	69	36	...	...	...	180	2,104
	Total ...	2,181	741	132	714	1,248	385	222	670	308	181	5	157	536	7,480
	Grand Total ..	5,845	3,907	289	2,249	4,507	1,347	760	2,970	3,435	939	64	791	1,710	28,831
	In 1882 ...	5,519	3,710	349	2,664	4,449	1,403	555	2,603	3,048	1,045	56	785	1,355	26,141
	Increase ...	326	197	...		58	...	214	376	...	..	8	6	355	690
	Decrease ...	...	...	60	415	...	56	..	..	213	106	...	.		

The classifications have probably not been followed in all cases. It is incredible that in the Small Cause Court at Akyab there was not one suit on written obligation.

4. The value of original suits was as follows:—

Division.	Name of district.	Number of Suits disposed of Valued at not exceeding								Above Rs. 1,00,000.	Total value of suits.		
		Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.		Rs.	A.	P.
Arakan.	Akyab	118	313	561	290	84	17	1	1	..	1,76,498	0	4
	Akyab Small Cause Court ..	48	103	231	..	..	..	..	..	..	14,409	5	4
	Kyaukpyu	62	184	286	56	2	1	..	..	..	27,717	12	3
	Sandoway	58	84	86	20	3	..	..	..	..	10,606	1	8
	Total ..	286	684	1,114	366	39	18	1	1	..	2,29,231	8	7
Pegu.	Hanthawaddy	41	271	575	231	18	12	1	..	..	1,29,786	7	8
	Pegu	31	295	913	666	46	32	..	..	..	2,62,785	0	0
	Tharrawaddy	129	601	872	203	4	2	..	..	..	91,864	9	4
	Tharrawaddy Small Cause Court	46	132	105	..	..	..	..	..	..	5,177	3	0
	Prome	220	565	863	289	12	6	1	1	..	1,46,230	4	9
	Prome Small Cause Court ..	63	86	38	..	..	..	..		..	4,019	4	10
	Judicial Commissioner, British Burma	..	..	..	..	..	1	..	.. 1	..	19,600	0	0
	Total ..	530	1,950	3,396	1,389	80	53	2	2	..	6,59,412	13	7
Irrawaddy.	Henzada	107	575	1,174	353	26	18	2	1	..	2,20,949	5	7
	Henzada Small Cause Court	42	93	292	62	..	..	..	..	..	20,425	10	4
	Bassein	185	895	1,478	575	81	19	1	..	..	3,03,907	7	6
	Bassein Small Cause Court	51	132	116	..	..	..	..	..	..	6,639	0	5
	Thôngwa	256	762	1,761	621	23	3	..	..	..	2,54,408	10	5
	Thayetmyo	272	470	240	100	4	..	..	..	..	50,749	15	4
	Thayetmyo Small Cause Court, Assistant Judge ..	..	..	..	..	..	..	..	..	..	....		
	Thayetmyo Small Cause Court, Judge	46	51	14	2	..	..	..	..	..	2,602	9	3
	Total ..	959	2,978	5,075	1,713	84	40	3	1	..	8,59,682	10	10
Tenasserim.	Amherst	137	438	793	257	14	4	..	..	..	1,00,402	11	8
	Shwegyin	85	321	564	216	14	2	..	..	..	99,042	15	1
	Shwegyin Small Cause Court	26	68	83	..	..	..	..	..	..	3,152	4	7
	Toungoo	79	169	265	165	8	9	..	..	..	67,940	0	10
	Toungoo Small Cause Court	41	147	178	..	..	..	..	..	..	10,358	0	0
	Tavoy	34	150	205	59	7	3	..	..	..	34,227	12	9
	Mergui	41	146	286	54	2	..	..	..	..	26,620	7	0
	Salween	2	5	10	17	2	3	1	..	..	19,363	5	6
	Moulmein Judge's Court ..	1	..	3	19	6	47	8	3	2	6,49,669	10	0
	Moulmein Small Cause side..	61	664	944	405	46	..	..	..	..	1,67,164	13	0
	Total ..	507	2,108	3,331	1,192	99	68	9	3	2	11,77,941	0	5
	Grand Total ..	2,282	7,720	12,916	4,660	302	179	15	7	2	29,26,267	12	5
	In 1882 ..	2,177	6,947	13,277	4,652	350	171	8	11	1	30,94,567	12	6
	Increase ..	105	773	..	8	..	8	7	..	1	....		
	Decrease ..	..	..	361	..	48	..	..	4	..	1,68,300	0	1

Note.—This table excludes 655 suits the value of which cannot be estimated in money

The principal differences in the two years occur in Akyab and Moulmein. In 1882 the Akyab total included one suit for Rs. 6,17,648. In 1883 the Moulmein total includes one suit for Rs. 2,38,198. The amounts in that Court are as follows:—

	1882. Rs.		1883. Rs.
Value instituted	4,07,080	...	6,00,698
Value disposed of	4,20,918	...	8,16,833

In most parts of Tenasserim the value has decreased. In Henzada the Small Cause Court has been very popular and has done a great deal of business. In Bassein 18 suits above Rs. 1,000 in value were filed in the Assistant Commissioner's Court and one above Rs. 6,000 in the Deputy Commissioner's Court.

The number in the above table above Rs. 1,000 in value was 203, in 1882 it was 191. The suits tried by the Judicial Commissioner were transferred from the Recorder's Court. The petty value of most of the litigation is as usual apparent, the number of suits disposed of being—

not exceeding Rs. 100	22,018
over Rs. 100 and not exceeding Rs. 500	4,660
over Rs. 500 and not exceeding Rs. 1,000	302
Total number not exceeding Rs. 1,000 ...	27,880

This is a very large proportion of 28,737, the grand total of suits disposed of in 1883, including 655 not estimated in money. The present tendency seems to lead to the increase of Small Cause Courts without adding to the work of Courts of appeal.

5. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	Name of district.	Number of cases brought on the file, including pending from last year.	Transferred	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Arakan	Akyab	1,410	...	...	248	80	190	200	206	21	322	146	1,364	46	1
	Akyab Small Cause Court	383	1	...	60	3	27	49	69	...	131	33	382	1	...
	Kyaukpyu	573	...	...	72	7	122	72	41	2	173	76	565	8	...
	Sandoway	268		...	36	6	35	53	13	...	71	43	257	11	...
	Total ...	2,634	1	...	425	46	374	374	329	23	697	298	2,568	66	1
Pegu	Hanthawaddy	1 184	...	1	352	7	60	231	152	3	220	105	1,160	24	...
	Pegu	2,108	...	7	668	...	107	386	278	18	400	151	2,034	74	10
	Tharrawaddy	1,914	2	1	541	7	149	137	182	3	575	285	1,882	32	...
	Tharrawaddy Small Cause Court	286		...	78	..	13	33	44	2	90	29	283	3	...
	Prome	2,000	8	1	476	29	82	236	174	6	654	310	1,978	22	2
	Prome Small Cause Court ..	160	1	...	51	3	1	52	24	..	36	19	187	2	.
	Judicial Commissioner, British Burma . .	2	..	...	...	...	1	...	...	...	...	1	2	...	...
	Total ...	7,683	11	10	2,166	46	442	1,075	854	32	1,984	894	7,526	157	12
Irrawaddy.	Henzada	2,400	10	1	511	80	133	232	194	14	774	380	2,336	64	7
	Henzada Small Cause Court	509	...		121	...	6	112	75	...	143	32	489	14	...
	Hassein	3,379	5		897	27	213	380	388	5	917	409	3,307	72	6
	Hassein Small Cause Court	300	...	...	54	2	22	58	29	...	100	34	299	1	.
	Thôngwa	3,600	...	2	1,208	104	190	430	391	5	731	435	3,515	85	19
	Thayetmyo ...	1,182	1	18	168	5	132	168	80	2	405	147	1,133	49	1
	Thayetmyo Small Cause Court, Assistant Judge .	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Thayetmyo Small Cause Court, Judge	117	3	...	..	3	2	75	21	.	6	3	119	4	..
	Total ...	11,481	19	21	2,959	221	698	1,455	1,184	26	3,076	1,500	11,192	289	33
Tenasserim.	Amherst	1,692	6	20	305	88	74	236	258	33	436	188	1,649	43	5
	Shwegyin	1,303	9	9	225	16	135	240	114	15	323	156	1,248	55	6
	Shwegyin Small Cause Court	182	...	3	20	...	14	31	27	2	59	12	177	5	...
	Toungoo .. .	787	5	1	110	22	45	131	48	..	272	124	758	29	..
	Toungoo Small Cause Court	373	...	...	50	3	18	104	57	...	102	37	366	7	...
	Tavoy	480	...	4	54	13	...	102	22	...	103	70	458	22	...
	Mergui	536		..	40	20		250	47	..	121	42	520	7	...
	Salween	40	..	..	0	1	5	3	.	6	10	9	40	...	...
	Moulmein Judge's Court .	119	1	4	2	6	12	2	18	...	47	16	106	13	3
	Moulmein Small Cause side..	2,210	5	30	321	40	93	89	317	3	474	241	2,120	90	7
	Total ..	7,722	26	71	1,142	209	391	1,197	1,403	59	2,037	895	7,451	271	21
	Grand Total ...	29,520	57	102	6,692	522	1,905	4,101	3,770	140	7,794	3,587	28,737	783	67
	In 1882 ...	28,950	101	70	5,930	482	2,131	4,169	4,088	90	7,401	3,674	28,222	728	86

NOTE.—Thirty-nine suits pending from the previous year in the Tammanaing Court of the Hanthawaddy district are excluded from this table as they were lost in the burning of the court house.

The percentage of determined suits contested was 39·60, in 1882 it was 39·24. The 3,770 suits decreed *ex-parte* are 13·12, in 1882 the proportion was 14·48. During my tours I have made frequent inquiry and concur in the opinion of Mr. Hodgkinson, Commissioner of Irrawaddy, that the old illegal practices of decreeing in favour of plaintiff without proof of service of summons and

without proof of claim are almost extinct. Where the inspection of Courts is kept up by the controlling officers the procedure gets better; but I was grieved to find that the Extra Assistant Commissioner of Mindôn under Thayetmyo has reverted to the practices above described and lately passed eight decrees without any proof of claim. The discovery was made by my calling for the cases. Colonel Sladen remarks that newly appointed Extra Assistant Commissioners often make mistakes; and in previous years I have noticed cases where they began their career by adopting the wrong procedure in these particulars. The time has now come when, in my opinion, the Deputy Commissioner or an experienced Assistant should be required once a year to inspect the work of every subordinate, and, if the Chief Commissioner sees no administrative difficulty, I would propose that this be done. It might be combined with executive inspection, such as examination of accounts, counting cash balances and stamps. Mr. Buckle has shown what may be done in the way of inspection to improve the lower Courts.

6. The average duration of suits in Courts of original jurisdiction was as follows :—

Division.	Name of district.	Average duration of Suits.			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	26·10	13·37	31·	15·
	Akyab Small Cause Court	9·	10·1	10·	13·
	Kyaukpyu	21·18	20·51	17·	6·
	Sandoway	13·15	9·40	21·	27·
Pegu.	Hanthawaddy	25·	14·	51·	18·
	Pegu			82·	15·
	Tharrawaddy	14·97	31·82	23·	16·
	Tharrawaddy Small Cause Court	9·6	6·2	5·	4·
	Prome	17·57	10·76	20·	19·
	Prome Small Cause Court	3·	2·	3·	2·
	Judicial Commissioner, British Burma... ...	...	...	40·	137·
Irrawaddy.	Henzada	17·19	11·23	12·	9·
	Henzada Small Cause Court			4·	2·
	Bassein	22·33	15·27	31·	21·
	Bassein Small Cause Court...	5·50	5·	5·	5·
	Thôngwa	20·80	11·40	25·	9·
	Thayetmyo	18·36	10·90	15·	12·
	Thayetmyo Small Cause Court, Assistant Judge ...	...	...	...	...
	Thayetmyo Small Cause Court, Judge... ...	11·33	9·66	9·	6·
Tenasserim.	Amherst	21·	8·	17·	8·
	Shwegyin	27·12	13·85	30·	17·
	Shwegyin Small Cause Court	11·	11·	12·	12·
	Toungoo	10·71	6·86	19·	7·
	Toungoo Small Cause Court	7·	7·	15·	6·
	Tavoy	15·	6·75	13·	7·
	Mergui	12·	4·40	12·	4·
	Salween	15·50	98·	41·	8·
	Moulmein Judge's Court	180·	32·	128·	20·
	Moulmein Small Cause Side	48·	27·	19·	12·
	Total ...	21·	16·	23·	14·

The duration in contested suits has increased from 21 to 23 days; in uncontested suits it decreased from 16 to 14. The Commissioner of Irrawaddy mentions with approbation three hard-worked officers for their promptitude in disposal,—Maung Pu at Henzada, Maung Aung Zan at Pyapôn, and Maung An at Bassein. He has also censured some subordinates for their long delays. In Arakan the frequent changes of officials have added to the average duration. The Judge of Moulmein reports that the average shown is due to exceptional cases, the general disposal being much prompter.

7. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	447	152	83	22
	Akyab Small Cause Court	150	25	19	2
	Kyaukpyu	87	51	14	4
	Sandoway	46	15	7	2
	Total ...	730	243	123	30
Pegu.	Hanthawaddy	283	59	73	17
	Pegu	698	242	105	77
	Tharrawaddy	293	189	73	12
	Tharrawaddy Small Cause Court	84	30	...	4
	Prome	349	188	67	18
	Prome Small Cause Court	18	11	...	...
	Judicial Commissioner, British Burma	...	...	...	...
	Total ...	1,625	719	318	128
Irrawaddy.	Henzada	402	127	86	43
	Henzada Small Cause Court...	127	56	37	4
	Bassein	739	243	125	34
	Bassein Small Cause Court	31	9	3	1
	Thôngwa	733	229	110	41
	Thayetmyo	178	84	32	18
	Thayetmyo Small Cause Court, Assistant Judge ...	...	...	...	...
	Thayetmyo Small Cause Court, Judge	35	16	6	...
	Total ...	2,245	764	399	141
Tenasserim.	Amherst	493	275	51	30
	Shwegyin	380	216	93	18
	Shwegyin Small Cause Court	48	45	...	1
	Toungoo	196	84	58	7
	Toungoo Small Cause Court...	87	32	19	...
	Tavoy	100	75	22	3
	Mergui	127	53	51	4
	Salween	14	3	10	1
	Moulmein Judge's Court	102	22	22	12
	Moulmein Small Cause side...	868	147	169	86
	Total ...	2,415	952	495	112
	Grand Total ...	7,015	2,678	1,335	406
	In 1882 ...	6,995	2,781	1,313	409

The decrees completely executed are 38·18 per cent. of the applications.

I am of opinion that many of the suits that are struck off without going to trial are really settled by voluntary payment. After decree many voluntary payments are made, *e. g.*, in Moulmein 218, amounting to Rs. 35,789. In the same Court 113 certificates of satisfaction, under section 258 of the Procedure Code, are noted. The Judge mentions that the entire sum realized through the agency of the Court was 19 per cent. of the value of suits disposed of.

8. Processes of execution were issued as follows :—

Division.	Name of district.	Mode of Execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	*Movable property.*		*Immovable property.*		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	11	24	136	40	78	35	...
	Akyab Small Cause Court	1	10	21	18	...	...	...
	Kyaukpyu	2	2	81	11	18	8	...
	Sandoway	1	1	16	4	8	2	...
	Total ...	15	37	204	68	99	45	...
Pegu.	Hanthawaddy	...	14	98	13	100	41	...
	Pegu	14	45	233	182	161	50	...
	Tharrawaddy	57	15	87	26	73	25	...
	Tharrawaddy Small Cause Court... ...	...	3	14	...	4	3	...
	Prome	28	10	74	31	103	58	2
	Prome Small Cause Court	...	...	4	...	...	...	...
	Judicial Commissioner, British	...	...	...	...	...	...	...
	Total ...	99	87	510	252	441	177	2
Irrawaddy.	Henzada	10	59	209	48	133	26	4
	Henzada Small Cause Court	2	44	48	11	41	8	...
	Bassein	11	24	305	54	128	35	...
	Bassein Small Cause Court	...	...	11	2	3	...	...
	Thôngwa	9	30	214	91	81	32	...
	Thayetmyo	45	17	37	4	14	10	...
	Thayetmyo Small Cause Court, Assistant Judge	...	...	...	...	...	...	...
	Thayetmyo Small Cause Court, Judge ...	...	5	2	...	...	...	...
	Total ...	77	179	826	210	400	111	4
Tenasserim.	Amherst	30	20	94	30	65	28	...
	Shwegyin	18	16	85	25	52	14	1
	Shwegyin Small Cause Court	...	1	19	3	2	...	...
	Toungoo	4	30	81	24	75	34	...
	Toungoo Small Cause Court	...	...	39	13	...	...	...
	Tavoy	12	18	15	5	34	14	...
	Mergui	2	22	27	1	22	7	10
	Salween	...	1	9	5	6	4	...
	Moulmein Judge's Court	...	4	9	7	34	17	...
	Moulmein Small Cause side	...	41	55	23	...	...	...
	Total ...	66	158	433	136	290	113	11
	Grand Total ...	257	456	1,973	666	1,230	446	17
	In 1882 ...	390	368	1,899	648	1,167	512	1

9. The following table shows the number of persons who applied to be declared insolvent :—

Division.	Name of district.	Number of persons who applied to be declared insolvent.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan	Akyab	16	3	12	15	1	
	Kyaukpyu	1	1	...	1	...	
	Sandoway	3	3	...	3	...	
	Total	20	7	12	19	1	
Pegu	Hanthawaddy	11	2	9	11	...	
	Pegu	4	1	3	4	...	
	Tharrawaddy	7	...	7	7	...	
	Prome	6	1	4	5	1	
	Total	28	4	23	27	1	
Irrawaddy	Henzada	14	11	2	13	1	
	Bassein	32	18	7	31	1	6 withdrawn.
	Thôngwa	12	3	3	12	...	6 withdrawn.
	Thayetmyo	7	1	5	7	...	1 withdrawn.
	Total	65	33	17	63	2	13 withdrawn.
Tenasserim	Amherst	3	1	2	3	...	
	Shwegyin	8	7	...	8	...	1 withdrawn.
	Toungoo	16	10	5	16	...	1 withdrawn.
	Tavoy	3	1	2	3	...	
	Mergui	20	10	...	19	1	
	Salween	2	1	1	2	...	
	Moulmein	30	9	8	29	1	12 withdrawn.
	Total	82	48	18	80	2	14 withdrawn.
	Grand Total	195	92	70	189	6	27 withdrawn.

10. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts and the number in which the decrees appealed against were upheld :—

Division.	Name of district.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan	Akyab	90	52	10	21
	Kyaukpyu	45	22	4	9
	Sandoway	41	25	5	10
	Total	176	99	19	40
Pegu	Hanthawaddy	43	22	2	18
	Pegu	51	18	6	10
	Tharrawaddy	136	84	12	18
	Prome	138	88	12	37
	Total	368	212	32	83
Irrawaddy	Henzada	207	126	19	51
	Bassein	212	120	18	53
	Thôngwa	172	86	27	54
	Thayetmyo	82	58	2	14
	Total	673	390	66	171
Tenasserim	Amherst	98	51	8	28
	Shwegyin	109	58	10	19
	Toungoo	74	34	12	20
	Tavoy	78	49	15	12
	Mergui	33	24	4	5
	Salween	2	2	...	...
	Total	388	218	53	84
	Grand Total	1,605	919	170	378

In these appeals there has been an increase. But in 1880 the number was 1,921. The proportion of confirmations to disposals was 60·22, reversals 24·77, and modifications 11·14. Several Deputy Commissioners, *e. g.*, those of Shwegyin, Tavoy, Bassein, Toungoo, and Amherst, speak well of the Courts below, and there is a general feeling that gradually such defects as exist in the trial of original suits will be reduced. The Deputy Commissioner of Amherst, in a thoughtful report, laments the want of qualified advocates.

There is much room for improvement and it will be some time before the full effects of what has already been done are perceived. The Courts were supplied with libraries at Mr. Bernard's suggestion. The management of the examinations for the Subordinate Judicial Service and for the office of advocate has been accepted by the Educational Syndicate at the instance of Mr. Bernard and myself. The advocates' examination will now be held in the English language. Two law lecturers have been appointed at Rangoon under the Syndicate and their lectures have been fairly well attended. Many translations of Burmese treatises on Buddhist law have been made and their meaning explained. In this work I have been greatly helped by Dr. Forchhammer, Professor of Pali, who brings to such work learned qualifications which the Burmans themselves do not possess. But no general improvement in the subordinate judiciary can be expected until higher education has made longer strides. In India graduates of universities are easily procurable for judicial appointments. But Burma has only produced one B. A. and not one LL.B. It is not desirable that the subordinate appointments should drop into the hands of foreigners. But in order to get men who can read an English text-book or understand the allusions in the dhammathats education must be stimulated. Small manuals on tort, contract, specific relief and evidence are much wanted. But none of the Burmans have yet shown any signs of supplying the want and therefore English books are resorted to.

In the present state of things the examination of the subordinate Courts by the Deputy Commissioners is essential. The great defect is the inaccuracy that belongs to insufficient mental training. Plaints wrongly drawn up are accepted, issues wrongly fixed, and circulars and translated orders not studied or speedily forgotten. The civil statistics of 1883 are useful in dealing with the proposals about a Chief Court. Until the educational progress we need has been well started it is desirable to economize the time of Commissioners and Deputy Commissioners so as to enable them to exercise effective control. If they are underhanded, as in Bassein, there is more need of the Judicial Commissioner. But where the district administration is thoroughly effective there will be less need. I think therefore that when a Deputy Commissioner, as in Thôngwa, states that he could not find time for inspection, when the Commissioner of Irrawaddy remarks that Deputy Commissioners are kept too much at headquarters, and an acting Chief Commissioner indicts them generally for being out of touch with the people, it is of some importance to remember in the assignment of funds the great need of putting the original jurisdictions under the constant care of the District Officers. I think there has been a fair amount of supervision in 1883. In Arakan Captain Adamson, Captain Raikes, and Mr. Birks, in Tenasserim Colonel Pemberton, Colonel Strover, and Mr. Duke, have been active. In the Pegu and Irrawaddy divisions less has been done. Mr. Irwin has been mentioned as having examined the Courts in his subdivision of Thôngwa.

11. The following table shows the work of the Appellate Courts :—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for redecision by Lower Court.	Number left pending.		Average duration of appeals.
							For more than four months.	Total pending.	
Arakan.	Mr. T. C. Mitchell, Officiating Deputy Commissioner of Akyab	21	..	12	9	..	..	..	4·
	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	69	..	40	22	1	..	6	24·
	Captain F. D. Raikes, Deputy Commissioner of Kyaukpyu	37	7	18	12	..	..	..	24·
	Mr. F. S. Copleston, Deputy Commissioner of Kyaukpyu	8	2	4	1	..	..	1	10·
	Captain C. A. Cresswell, Deputy Commissioner of Sandoway	6	..	5	1	..	..	..	11·
	Mr. A. R. Birks, Deputy Commissioner of Sandoway	35	..	20	14	..	..	1	16·
	Colonel E. B. Sladen, Commissioner of Arakan	1	..	1	..	..	..	..	32·
	Total	177	9	100	59	1	..	8	19·
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthawaddy	48	..	22	20	..	..	1	19·
	Mr. W. deCourcy Ireland, Deputy Commissioner of Pegu	51	3	18	16	7	..	7	65·
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Tharrawaddy	136	2	84	30	17	..	3	16·
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy								
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy								
	Major G. Alexander, Deputy Commissioner of Prome	138	..	88	49	..	..	1	88·
	Colonel C. W. Street, Commissioner of Pegu	1	..	..	1	..	..	..	217·
	Total	369	5	212	116	24	..	12	49·
Irrawaddy.	Mr. H. Buckle, Deputy Commissioner of Thôngwa	172	..	86	81	..	..	5	27·
	Mr. R. Phayre, Officiating Deputy Commissioner of Thôngwa								
	Colonel W. Munro, Deputy Commissioner of Bassein	2	..	2	..	..	..	..	16·
	Mr. H. L. St. Barbe, Deputy Commissioner of Bassein	210	..	118	70	2	..	20	
	Major H. R. Spearman, Deputy Commissioner of Henzada	207	..	126	70	..	..	11	40·
	Captain W. F. H. Grey, Officiating Deputy Commissioner of Henzada								
	Capt. J. Butler, Deputy Commissioner of Henzada								
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo	82	2	58	16	2	..	4	9·
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy	8	..	3	4	..	..	1	21·
	Total	681	2	393	241	4	..	41	25·
Tenasserim.	Colonel W. W. Pemberton, Deputy Commissioner of Amherst	98	2	51	31	10	..	4	23·
	Mr. G. L. Weidemann, Deputy Commissioner of Shwegyin	108	..	58	38	1	..	6	28
	Lieutenant-Colonel G. A. Strover, Deputy Commissioner of Toungoo	74	..	34	32	1	1	7	35·
	Mr. A. R. Birks, Deputy Commissioner of Toungoo								
	Captain T. M. Jenkins, Officiating Deputy Commissioner of Toungoo								
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy	78	..	49	27	..	..	2	12·
	Captain J. Butler, Deputy Commissioner of Mergui	33	..	24	9	..	..	..	12·
	Mr. J. K. Macrae, Deputy Commissioner of Mergui								
	Mr. J. C. Davis, Deputy Commissioner of Salween	2	..	2	..	..	..	..	7·
	Colonel A. G. Duff, Commissioner of Tenasserim	2	..	1	..	1	..	..	34·
	Lieutenant-Colonel W. C. Plant, Commissioner of Tenasserim								
	Total	390	2	219	137	13	1	19	22·
	Grand Total	1,617	18	924	558	42	1	80	29·
	In 1882	1,559	22	881	476	38	8	142	28·

The average is increased by the time taken for one appeal heard by the Commissioner of Pegu. The Legislature has not yet given effect to the proposals for employing Joint Judges and experienced Assistants with appellate powers in aid of hard-worked Deputy Commissioners.

12. The following table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits :—

Division.	Name of district.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
ARAKAN.	Akyab	5	1	...	...
	Kyaukpyu	1	...	...	...
	Sandoway	4	...	...	...
	Total	10	1	...	...
PEGU.	Hanthawaddy	9	...	...	1
	Pegu	2	...	...	...
	Tharrawaddy	1	...	...	...
	Prome	1	...	...	.
	Total	13	...	...	1
IRRAWADDY.	Henzada	34	3	...	4
	Bassein	1	...	...	...
	Thôngwa	3	...	...	...
	Thayetmyo	4	...	...	...
	Total	42	3	...	4
TENASSERIM.	Amherst	2	...	...	...
	Shwegyin	1	...	...	...
	Toungoo	2	...	...	...
	Tavoy	...	...	...	...
	Mergui	1	...	...	...
	Salween	6	1	...	...
	Total	12	1	...	...
	GRAND TOTAL	77	5	...	5
	In 1882	47	9	...	3

13. The following table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process-servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
ARAKAN.	Akyab	7,822	7,138 8 0	6,051 10 10
	Kyaukpyu	2,080	1,710 8 0	2,150 4 11
	Sandoway	1,353	1,244 0 0	1,231 0 0
	Total	11,255	10,093 0 0	9,432 15 9
PEGU.	Hanthawaddy	3,456	3,277 0 0	3,501 11 8
	Pegu	6,808	6,395 8 0	4,068 0 0
	Tharrawaddy	8,159	6,824 8 0	5,005 4 0
	Prome	8,739	7,179 4 0	5,332 14 4
	Total	27,102	23,616 4 0	18,507 14 0
IRRAWADDY.	Henzada	11,616	11,257 14 0	7,988 6 0
	Bassein	12,612	11,058 0 0	8,109 8 0
	Thongwa	12,893	11,170 8 0	5,298 1 0
	Thayetmyo	4,007	4,370 0 0	3,211 8 0
	Total	41,128	37,856 6 0	24,607 10 0
TENASSERIM.	Amherst	6,317	5,923 8 0	4,245 9 0
	Shwegyin	5,529	4,857 8 0	3,660 11 0
	Toungoo	4,765	4,727 8 0	3,002 8 0
	Tavoy	2,152	1,708 8 0	1,908 0 0
	Mergui	2,029	1,768 0 0	1,505 7 2
	Salween	127	156 8 0	95 8 0
	Moulmein	6,741	6,928 0 0	3,574 9 10
	Total	27,660	25,839 8 0	18,001 5 0
	GRAND TOTAL	107,205	97,405 2 0	70,549 12 0
	In 1882	106,403	95,525 1 0	67,750 12 8

The general surplus is Rs. 26,855. I would suggest that, if the provincial finance will allow it, some at least of this surplus should be spent on translations into Burmese of short text-books on law or of the published but untranslated circulars of the Judicial Commissioner.

14. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeal admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	14	5	1	6	...	...	12	2
	Captain F. D. Raikes, Deputy Commissioner of Kyaukpyu	3	...	...	2	...	...	2	1
	Captain C. A. Cresswell, Deputy Commissioner of Sandoway	3	...	1	2	...	...	3	...
	Colonel E. B. Sladen, Commissioner of Arakan	1	1	...	...	...	...	1	...
	Total ...	21	6	2	10	...	...	18	3
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthawaddy	17	2	...	12	...	...	14	3
	Mr. W. deCourcy Ireland, Deputy Commissioner of Pegu	1	...	...	1	...	...	1	...
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy	9	5	...	4	...	...	9	...
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Tharrawaddy ...	11	4	...	6	...	...	10	1
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy	1	...	...	...	...	...	...	1
	Major G. Alexander, Deputy Commissioner of Prome	15	4	...	8	...	...	12	3
	Total ...	54	15	...	31	...	...	46	8
Irrawaddy.	Mr. H. Buckle, Deputy Commissioner of Thôngwa	6	...	1	5	...	...	6	...
	Mr. R. Phayre, Officiating Deputy Commissioner of Thôngwa	14	...	...	7	...	...	7	7
	Colonel W. Munro, Deputy Commissioner of Bassein	2	...	...	2	...	...	2	...
	Mr. H. L. St. Barbe, Deputy Commissioner of Bassein	7	...	...	4	...	...	4	3
	Lieutenant-Colonel H. R. Spearman, Deputy Commissioner of Henzada ...	5	3	...	2	...	...	5	...
	Captain W. F. H. Grey, Deputy Commissioner of Henzada	13	1	1	8	...	...	10	3
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo	8	...	...	6	...	...	6	2
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy	1	...	...	1	...	...	1	...
	Total ...	56	4	2	35	...	...	41	15
Tenasserim.	Mr. J. K. Macrae, Deputy Commissioner of Amherst	2	...	...	2	...	...	2	...
	Colonel W. W. Pemberton, Deputy Commissioner of Amherst	3	2	...	1	...	...	3	...
	Colonel G. E. Fryer, Officiating Deputy Commissioner of Amherst	1	...	...	...	...	...	...	1
	Mr. G. L. Weidemann, Deputy Commissioner of Shwegyin	8	1	...	6	...	...	7	1
	Lieutenant-Colonel G. A. Strover, Deputy Commissioner of Toungoo	6	...	...	4	2	...	6	...
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy	6	2	...	3	1	...	6	...
	Captain J. Butler, Deputy Commissioner of Mergui	2	...	1	1	...	...	2	...
	Mr. K. G. Burne, Deputy Commissioner of Mergui	1	...	...	1	...	...	1	...
	Colonel A. G. Duff, Commissioner of Tenasserim	2	2	...	...	...	...	2	...
	Total ...	31	7	1	18	3	...	29	2
	Grand Total ...	162	32	5	94	3	...	134	28
	In 1882 ...	209	46	2	113	6	4	171	38

In 1883 there were 124 new appeals, in 1882 137, in 1881 156. These figures must be compared with the appealable area: the number of decrees passed in appeal by Deputy Commissioners and Commissioners was in 1883 1,537, in 1882 1,417. In 1883 134 appeals were disposed of by the Judicial Commissioner, in 1882 171. Of the 134, 94 were confirmed; in 21 of these the confirmation took place without calling on the other side. Thirty-two were reversed and five modified, being 27·61 per cent. of the disposals. In 1882 the proportion was 28. If the original Courts are improving, fewer cases would reach a second appeal. The fact that 21 out of 94 decrees were confirmed in a summary way shows that many appeals were made without reasonable grounds. In some cases where the appellant pleaded his own cause this happened, and I am glad to say that in many cases the parties appear without advocates. In others where advocates were employed the result was the same. The issue of printed judgments which become precedents is, as far as I can judge, one reason why appeals become fewer. The Judge below quotes the Judicial Commissioner's circular and the worsted party knows that an appeal would be unsuccessful.

Two appeals have been made from the Judicial Commissioner's Court to the Judicial Committee of the Privy Council.

15. The following table shows the miscellaneous appeals, *i. e.*, from decisions other than those passed in regular suits, disposed of in the Court of the Judicial Commissioner:—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
Arakan ...	Captain C. H. E. Adamson, Deputy Commissioner of Akyab ...	...	1	2	...	3	...
Pegu ...	Mr. A. Hough, Deputy Commissioner of Hanthawaddy ...	...	...	1	...	1	...
	Major G. Alexander, Deputy Commissioner of Prome ...	...	...	1	...	1	...
Irrawaddy ...	Mr. H. Buckle, Deputy Commissioner of Thôngwa ...	...	...	...	...	1*	...
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo ...	...	...	1	...	1	...
Tenasserim ...	Colonel W. W. Pemberton, Deputy Commissioner of Amherst ...	...	...	1	...	1	...
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy ...	...	...	1	...	1	...
	Total ...	...	1	7	...	9*	...
	In 1882 ...	3	...	2	...	5	1

* One dismissed for default.

16. The number and result of references to the Court of the Judicial Commissioner is shown in the following table :—

Division.	Court making the reference.	In accordance with paragraph 8 of Government of India notification No. 884, dated 12th August 1868.	Under sections 617 and 295, Act X of 1877.	Under section 25, Act XVII of 1875.	Under section 29, Act XVII of 1875.	Under section 26, Act XVII of 1875.	Under section 22, Act XI of 1865.	Total.	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with the opinion of referring Court	Heard as appeals under section 34, Act XVII of 1875.	Total disposed of.	Pending.
Arakan ...	Deputy Commissioner of Akyab ...	...	...	2	...	...	...	2	...	2	...	2	...
	Extra Assistant Commissioner of Akyab	...	1	...	...	...	...	1	...	1	...	1	...
	Deputy Commissioner of Kyaukpyu ...	...	...	1	...	...	...	1	...	...	...	...	1
Total ...		...	1	3	...	...	...	4	...	3	...	3	1
Pegu ...	First Judge of the Small Cause Court, Rangoon...	...	1	...	...	...	...	1	...	1	...	1	...
	Myook of Minhla, Tharrawaddy district	...	1	...	...	...	...	1	...	1	...	1	...
	Deputy Commissioner of Prome ...	...	...	1	...	...	...	1	...	1	...	1	...
Total ...		...	2	1	...	...	...	3	...	3	...	3	...
Irrawaddy ...	Deputy Commissioner of Thôngwa ...	...	...	1	...	...	...	1	...	1	...	1	...
	Deputy Commissioner of Thayetmyo...	...	1	1	...	...	...	2	...	2	...	2	...
	Judge of the Small Cause Court, Thayetmyo	...	...	...	...	...	1	1	...	...	...	1	...
Total ...		...	1	2	...	...	1	4	...	3	...	4	...
Tenasserim ...	*Nil.*	...	...	...	...	...	...	...	...	...	...	...	...
Total ...		...	...	...	...	...	...	...	...	...	...	...	...
Grand Total...		...	4	6	...	...	1	11	3	7	...	10	1
In 1882 ...		...	6	7	2	...	1	16	5	9	...	14	2

17. The following table shows the work of the Judicial Commissioner as a Court of revision :—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner, or Extra Assistant Commissioner from whose decision revision was made.	Revision admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Maung Tha Dowe, Extra Assistant Commissioner of Akyab	2	...	...	2	...	...	2	...
	Captain C. H. E. Adamson, Deputy Commissioner of Akyab	1	...	...	1	...	...	1	...
	Mr. T. C. Mitchell, Officiating Deputy Commissioner of Akyab	1	...	...	1	...	...	1	...
	Total ...	4	...	...	4	...	...	4	...
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthwaddy	1	...	...	1	...	...	1	...
	Mr. H. G. Batten, Assistant Commissioner of Insein	1	...	...	1	...	...	1	...
	Maung Hla Paw Zan, Myoôk of Tanmanaing	1	...	...	1	...	...	1	...
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Tharrawaddy ...	1	...	...	1	...	...	1	...
	Maung Tha Dun U, Myoôk of Sanywe ...	1	...	...	1	...	...	1	...
	Major G. Alexander, Deputy Commissioner of Prome	2	...	...	2	...	...	2	...
	Total ...	7	...	...	7	...	...	7	...
Irrawaddy.	Maung Pu, Myoôk of Henzada ...	1	...	...	...	...	...	...	1
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo	2	...	1	1	...	...	2	...
	Maung Hla Bu, Myoôk of Mindôn ...	1	...	...	...	...	...	...	1
	Total ...	4	...	1	1	...	...	2	2
Tenasserim.	Mr. G. L. Weidemann, Deputy Commissioner of Shwegyin	4	...	...	4	...	...	4	...
	Maung Shwe Naw, Extra Assistant Commissioner of Bilin	1	...	...	1	...	...	1	...
	Maung Tha Nyo, Myoôk of Thayethamein	1	...	...	1	...	...	1	...
	Maung Shwe Go, Extra Assistant Commissioner of Shwegyin	1	...	...	1	...	...	1	...
	Maung Gale, Extra Assistant Commissioner of Tavoy	1	...	...	1	...	...	1	...
	Captain J. Butler, Deputy Commissioner of Mergui	1	...	...	...	...	...	...	1
	Mr. D. G. Macleod, Judge of Moulmein ...	1	...	...	1	...	...	1	...
	Colonel A. G. Duff, Commissioner of Tenasserim	1	...	1	...	...	...	1	...
	Total ...	11	...	1	9	...	...	10	1
	Grand Total ...	26	...	2	21	...	...	23	3

18. On the whole I am inclined to suppose that the reiteration of orders, the circuits and inspections, the libraries and examinations, are making the original Courts better and reducing the labour of the Courts above.

19. There are 487 advocates in the Courts under the Judicial Commissioner, of whom 37 are entitled to practise before the Judicial Commissioner, 16 being Barristers-at-law.

20. I have to thank the Secretaries and Mr. Regan, of the Government Press, for the promptitude and care with which the circulars were printed. As these are the only substitutes for reports in British Burma they are the general guides to the Courts below.

21. In 1883 great strides were made in the ascertainment of the Buddhist law. The series of notes on Buddhist law were compiled in consultation with Dr. Forchhammer. They have been mentioned with approval by the Judicial Committee of the Privy Council in the case of "Ma Pwa *v.* Maung Hmun Taw," and I take this as an indication that our labour is of practical value. Proofs multiply that the Burmese and the Hindu shasters have the same origin. Whether the Burmese shaster is based on the law of India in the age of Buddhist ascendancy and before the addition of the Brahminical superstitions found in the Hindu codes is a matter for discussion by the learned. The edition in English and Pali Burmese of the Wagaru dhammathat, the palmleaf manuscript being dated A. D. 1,707, is near completion. We are preparing it with much care in printing and translation and with the addition of notes so as to enable scholars to deal safely with the questions of origin and age. While I am writing this report the prize essay on the origin of the Buddhist law, submitted by Dr. Forchhammer to the Educational Syndicate, is in the press: it is a most interesting contribution to our knowledge of Burmese history and the only existing account of the rise and progress of Burmese laws. He has also aided me in issuing in print the compilation of the laws of the Chin tribe made by Maung Tet Pyo, Extra Assistant Commissioner at Myedè, and has illustrated the book with original notes on tribal customs. I may fitly conclude this report by mentioning that Mr. P. C. Sen, Barrister-at-law and lecturer on Buddhist law under the Educational Syndicate, of which he is a member, has just offered a gold medal as a prize for the candidate who does best at the advocates' examination of 1884.

JOHN JARDINE,

Judicial Commissioner.

PART III.

Courts under the Supervision of the Commissioner of the Arakan Division.

From Colonel E. B. SLADEN, Commissioner of the Arakan Division, to the Officiating Secretary to the Chief Commissioner, British Burma,—No. 23-36, dated the 15th February 1884.

I HAVE the honour to submit for the information of the Chief Commissioner the annual report of the Deputy Commissioner, Arakan Hill Tracts district, on the administration of civil justice for 1883, with statements Nos. 6 to 10 and general statement No. 1.

2. There has been no change in the constitution of the Court during the year under review.

3. The total number of suits instituted was 75 against 88 in 1882, showing a decrease of 13, or 14·77 per cent.

Out of 75 suits instituted 33, or 44 per cent., were referred for settlement by arbitration. None of the remaining 42 cases appear to have been contested, but were either withdrawn, compromised, decreed on confession, or decided *ex-parte*, so that the work of the Deputy Commissioner's Court on the civil side was almost *nil*.

4. To account for decrease in litigation, I think with the Deputy Commissioner that such decrease is in all probability the result of arbitration by chiefs who have been made arbiters without the knowledge and intervention of the Courts.

The Deputy Commissioner reports, with reference to cases submitted to the arbitration of chiefs, that references appear to have been made on the Court's own motion and not at the instance of parties. He rightly determines to discontinue a practice not sanctioned by the Code of Civil Procedure, but in doing so he will be reminded that, when cases arise which appear to him such as may most conveniently be decided by arbitration, he is not to be bound by the fact that the parties have not expressly applied for a reference to arbitration. Such parties have probably neglected to apply out of ignorance of their right to do so and of law procedure generally. The Deputy Commissioner will be advised in such cases to act on his own motion so far as to ask the parties their wishes and with their consent to refer cases to arbitration in the same way and with the same effect as if the reference had been made at their own instance.

5. The trivial nature of the subjects which have been brought under litigation may be immediately inferred from the fact that the total value of the whole 73 suits instituted barely exceeded Rs. 6,000.

From W. C. MIDWINTER, Esq., Deputy Commissioner, Arakan Hill Tracts, to the Commissioner of the Arakan Division,—dated the 12th January 1884.

I HAVE the honour to forward the annual report on the administration of civil justice for the district of Arakan Hill Tracts for the past year.

1. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at

the close of the year as compared with the similar results for the preceding year:—

Class and locality of Court and name of presiding Judge.	Instituted.		Disposed of.		Pending at close of year.			
					Above four months.		*Total pending.*	
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.
Mr. A. H Hildebrand, Deputy Commissioner ...	88	60	88	60	...	...	...	...
Mr. W. C. Midwinter, Deputy Commissioner ...	...	15	...	13	...	...	...	2
Total ...	88	75	88	73	...	...	...	2
Increase ...	...	...	...	...	...	...	...	2
Decrease ...	...	13	...	15	...	...	...	...

The large falling off reported last year has not been repeated. Very few cases have been tried by the Deputy Commissioner, except those to which police officials were parties.

There are 264 police in this district, the population of which is 14,499.

Setting aside the 31 cases to which the police were parties, I do not think the figures show a backwardness among the people to come to Court. They have every inducement to do so as their plaints are admitted on plain paper, and Court peons and orderlies serve the summonses free of charge, unless boathire has to be incurred.

2. The next table shows the character of original litigation in the different classes of Court:—

Class and locality of Court and name of presiding Judge.	Number of Suits.												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For movable property or value thereof.	For damages.	For immovable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial right.	Other suits.
Mr. A. H. Hildebrand, Deputy Commissioner ...	...	...	...	44	8	...	...	...	1	...	1	9	2
Mr. W. C. Midwinter, Deputy Commissioner ...	...	...	...	5	8	1	...	8	...	...	...	...	8
Total ...	...	...	...	49	6	1	...	8	1	...	1	9	5

Most of the suits were brought to recover small loans of money.

The Khamies appear improvident and always ready to borrow money at an exorbitant rate of interest.

The suits for damages have fallen from 18 to 1 and those relating to matrimonial matters from 17 to 9.

Only 4 cases for damages and 3 relating to matrimonial matters were tried by the Deputy Commissioner himself in 1882.

It is probable that as the people found that the chiefs were called on to arbitrate in the majority of such cases they afterwards applied to them to do so without the Court's intervention.

3. The next table shows the value of suits instituted in the Civil Courts of the district :—

Class of Court.	Number of Suits instituted in the different Courts.								Number of suits the value of which cannot be estimated in money.	Total value of suits.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.		Rs. A. P.
Township Court ...	...	...	...	...	...	..	...	...	...	.....
Paid Subdivisional Tribunal	...	...	...	...	...	...	..	...	...	.....
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	.....
Chief Court of district ...	11	36	15	12	1	...	...	...	...	6,317 1 6
Superior Courts ...	...	...	...	...	...	...	...	...	...	.....
Total ...	11	36	15	12	1	...	...	...	...	6,317 1 6

The amount involved in litigation has been nearly the same as in the previous year.

There was one suit for Rs. 688 brought by the Khamie head of a village to recover money lent to an Arakanese trader. It was decreed *ex-parte*, but the decree has not been satisfied.

4. The value of original suits was as follows :—

Class and locality of Court and name of presiding Judge.	Number of Suits disposed of Valued at not exceeding.							Above Rs. 1,00,000.	Total value of suits.
	Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 10,000.	Rs. 1,00,000.		Rs. A. P.
Mr. A. H. Hildebrand, Deputy Commissioner ...	5	17	26	11	1	...	...	...	5,589 13 0
Mr. W. C. Midwinter, Deputy Commissioner ...	2	4	6	1	...	...	...	...	488 7 6
Total ...	7	21	32	12	1	...	...	...	6,028 4 6

5. The manner in which the litigation was disposed of in the several Courts is shown :—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
										Judgment for plaintiff in whole or in part.	Judgment for defendant.			
Mr. A. H. Hildebrand, Deputy Commissioner...	60	...	...	2	...	1	21	1	1	1	...	60	...	33
Mr. W. C. Midwinter, Deputy Commissioner...	15	...	...	1	...	1	2	2	1	5	1	13	2	...
Total ...	75	...	...	3	...	2	23	3	2	6	1	73	2	33

In 18 cases both parties have been in the police. In 2 cases the plaintiffs only have been in the police. In 11 cases the defendants only have been in the police.

These 31 cases have been tried by the Deputy Commissioner. So have 9 cases between private persons. The remaining 33 cases have been referred to the heads of tribes or villages (who are called chiefs) to decide as arbitrators. These cases appear to have been referred to arbitration on the Court's own motion and not at the instance of parties. I do not find that Chapter 37 of the Civil Procedure Code sanctions this course and it will not be adopted in future. If the parties do not apply for arbitration and questions of their own customs are involved, the best plan seems to be to summon competent chiefs as witnesses in regard to these customs.

6. The average duration of suits in each Court of original jurisdiction was as follows:—

Class and locality of Court and name of presiding Judge.	Average duration of Suits.			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Mr. A. H. Hildebrand, Deputy Commissioner ...	82	5·47	2·72	8·52
Mr. W. C. Midwinter, Deputy Commissioner ...	...	...	5·33	2·66

There were few cases in which it was necessary to summon witnesses from a distance.

7. The next table shows the number of applications for execution of the decree in which the applications were satisfied—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decree completely executed.	Decree partly executed.	Pending at close of year.
Nil				

Few, if any, persons able to pay seem to avoid satisfying decrees passed against them.

8. Processes of execution were issued as follows:—

Name of district.	Mode of Execution.						Orders under section 243, Civil Procedure Code.
	Delivery of possession.	*Person.*	*Movable property.*		*Immovable property.*		
		Imprisonment.	Attached.	Sale.	Attached.	Sale.	
Arakan Hill Tracts			*Nil*				

9. The subjoined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts and the proportion in which the decrees appealed against were upheld :—

Name of Extra Assistant Commissioner and Assistant Commissioner.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversal and modification to appeal preferred.
Nil.					

There are no subordinate Courts, but proposals for establishing a Myoôk's Court have, I believe, been submitted to the Government during the year. Unless however the Myauktaung circle is retransferred to this district, there is no civil work which the Deputy Commissioner has not time for, although his Court at Paletwa is difficult of access to persons living on the Lemru. These however are Chins, amongst whom there is never likely to be much civil litigation.

W. C. MIDWINTER,

Deputy Commissioner, Arakan Hill Tracts.

APPENDICES TO PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Town of Rangoon in the Province of British Burma on the last day of the year 1883, with the cost of Tribunals.

NAME OF PROVINCE.	Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.
						Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	*Original.* Regular.	*Original.* Miscellaneous.	*Appeals.* Regular.	*Appeals.* Miscellaneous.			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
															Rs. A. P.	Rs. A. P.	
BRITISH BURMA. Territory subject to the High Court. — Civil ...	45	134,176	...	...	...	1*a*	...	...	...	2*b*	4,021*c*	2,771*d*	...	...	67,780 13 0*e*	77,757 14 9*f*	*a* Recorder of Rangoon. *b* Judges of the Small Cause Court. *c* Regular Civil— (1) By Small Cause Court ... ... 3,921 (2) By Recorder ... ... 77 By Vice-admiralty ... ... By Insolvency ... ... 23 Total ... ... 4,021 *d* By Small Cause Court Judge ... ... 2,611 By Recorder ... ... 160 Total ... . 2,771 Rs. A. P. *e* By Small Cause Court ... ... 35,840 12 0 By Recorder ... ... 31,940 1 0 Total ... 67,780 13 0 *f* By Small Cause Court ... ... 30,928 7 7 By Recorder ... ... 46,829 7 2 Total ... 77,757 14 9

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil Courts in the Town of Rangoon in the Province of British Burma in the year 1883.

CLASS OF TRIBUNAL.	SUITS FOR MONEY OR MOVEABLE PROPERTY.										TITLE AND OTHER SUITS.																			Grand total.	Remarks.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract.	Rent not falling under the rent law.	Moveable property or value thereof.	Damages.	Suits for immoveable property.	Suits for declaratory decree.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, &c., on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
Courts at the Presidency or seat of Government.																														
Small Cause Court ...	1,775	552	15	169	425	396	25	435	101	17	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	3,911	
Recorder's Court ...	28	...	3	5	6	...	3	...	6	12	16	...	6	2	2	5	...	...	3	13	...	1(a)	...	...	...	...	...	31(b)	142	(a) For an ejectment 13 Inheritance 2 Maintenance 3 Possession of child 3 Suits under an agreement. 1 Medical attendance 1 Declaratory suits 1 To set aside an award 1 To cancel certain lease 1 Short delivery of certain timber 1 To file award 1 Wages 1 For work done 1 For an injunction 1
Total ...	1,803	552	18	174	432	396	28	435	107	29	16	...	6	2	2	5	...	...	3	13	...	1	...	...	...	...	...	31	4,053	

(a) This is an admiralty case.

JUDICIAL STATEMENT 8 (CIVIL).

Statement showing Number and Value of Suits instituted in the Civil Courts in the Town of Rangoon in the Province of British Burma in the year 1883.

CLASS OF COURT.	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs. A. P.	
Courts at the Presidency or seat of Government.											
Small Cause Court	428	1,882	719	790	92	...	...	...	...	3,35,436 0 2	3,911
Recorder's Court	...	...	...	14	11	76	9	7	24	435,096 14 7	Inclusive of the value of suits instituted at the vice-admiralty side, *i.e.*, Rs. 4,500.
Total ...	428	1,882	719	804	103	76	9	7	24	770,532 14 9	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the general result of the trial of Civil Cases in the Courts of Original Jurisdiction in the Town of Rangoon in the Province of British Burma in the year 1883.

PART I.—(Civil Suits.)

CLASS OF COURT	Total number of suits before the Court.	NUMBER OF SUITS DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year	AVERAGE DURATION OF SUITS		Remarks.
		Transferred to other Courts in other provinces.	Plaint rejected or returned without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession	Decreed *ex-parte*.	Dismissed *ex-parte*	For plaintiff.	For defendant.	Judgement for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts at the Presidency or seat of Government																
Small Cause Court	4,186	...	791	219	319	1,378	43	...	...	727	444	267	34	22·56	17 53	
Recorder's Court	171	...	16	9	6	15	...	..	...	19	12	94	58	174·35	59·58	The result of the insolvency cases is not shown in this statement but is shown in the body of the report.
Total ...	4,359	...	807	228	325	1,393	43	...	...	746	456	361	92	26 47	18·22	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Town of Rangoon in the Province of British Burma in the year 1883.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF COURTS.	Total number of cases before the Court.	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES.		Remarks.
		Transferred to Courts in other provinces.	Without trial	*Without contest.*				*On reference to arbitration.*		*With contest*				Contested.	Uncontested	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts at the Presidency or seat of Government.																
Small Cause Court	1,205	...	699	6	4	..	7	...	..	308	151	30	1	12	18·48	
Recorder's Court	107	...	38	...	2	28	1	...	...	8	15	15	6	35·43	13·78	
Total ...	1,312	...	737	6	6	28	8	.	.	316	166	45	7	...	...	

JUDICIAL STATEMENT No. 10, PARTS I AND II.—*Blank.*

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the result of Proceedings on Applications for the Execution of the Decrees of the Civil and Revenue Courts in the Town of Rangoon in the Province of British Burma in the year 1883.

CLASS OF COURT	Total number of applications for the execution of decrees before the Courts	APPLICATIONS DISPOSED OF				Pending at the end of the year	Number of applications pending more than three months at the close of the year	AMOUNT REALIZED		NUMBER OF APPLICATIONS											Remarks.
		By transfer	Satisfaction obtained in full	Satisfaction obtained in part	Wholly infructuous			With the issue of process	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested but released without imprisonment	*On which movable property*		*On which immovable property*			*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns	
												Was sold.	Was attached but subsequently released	Was sold.	Was dealt with under sections 305, 322, or 326, Act XIV of 1882	Was attached but subsequently released under section 275	Of movables	Of immovables				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Courts at the Presidency or seat of Government																						
Small Cause Court ..	1,483	.	344	218	871	50	..	24,621 5 4	13,478 0 10	138	370	38	40	.	..	.		..	..	.	..	
Recorder's Court .	70	..	18	7	40	5	4	13,854 8 9	6,959 11 0	3	7	1	.	2	.	.	.	.		...	..	
Total	1,553		362	225	911	55	4	38,475 14 1	20,437 11 10	141	377	39	40	2	.	..	..	.	.	..	..	

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the Number and Result of Applications and Proceedings under Chapter XX, Act XIV of 1882, in the Town of Rangoon for the year 1883.

CLASS OF COURT.	APPLICATION FOR A DECLARATION OF INSOLVENCY									AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALISED AND DISBURSED		Remarks.
	Total number for hearing.	Transferred to another province, withdrawn, &c.	*Granted.*		*Rejected.*			Pending at the close of the year.	Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Admitted.	Satisfied.	Realised during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 350 not being taken.	Sentence of imprisonment being passed under section 350.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Small Cause Court	20	4	...	9	3	1	.	3	...	...	...	...	...	...	
Total ..	20	4	...	9	3	1	...	3	..	...	...	..	...	...	

JUDICIAL STATEMENT No. 13 (CIVIL).—*Blank.*

APPENDICES TO PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

Judicial Statement No. 1 (Civil).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, on the last day of the year 1883, with the Cost of Tribunals.

Name of Province.		Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of subdistricts.	Total number of officers exercising original or appellate jurisdiction.					Total number of cases decided.				Total receipts of the Courts.	Total charges of the Courts.	Remarks
							Judges of Chief Court of province.	Judges of other Courts superior to Chief District Courts	Judges of Chief Courts of districts.	Judges of districts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appeals.				
												Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1		2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
																Rs. A. P.	Rs. A. P.	
Province of British Burma. — Territory subject to the High Court ..	Civil ..	86,160	3,588,096	4	18	35	1	5	17	33	97	28,737	4,212	1,671	73	4,15,296 1 10	8,21,958 0 0	
	Criminal ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Province of British Burma. — Territory not subject to the High Court ..	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Criminal ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Revenue	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Total ..	86,160	3,588,096	4	18	35	1	5	17	33	97	28,737	4,212	1,671	73	4,15,296 1 10*	8,21,958 0 0*	*This includes Civil and Criminal under orders contained in Resolution No. 24-1552—62, dated 20th October 1882.

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Suits instituted in the Civil and Revenue Courts in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

CLASS OF TRIBUNAL.	SUITS FOR MONEY OR MOVABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																				
	Contract in writing.	Contract not in writing	On account stated	Money had and received.	Goods sold.	Wages, work, and materials	Breach of contract not mentioned above.	Rent not falling under the Rent Law.	Movable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottas or kubulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the Rent Law not included above.	Suits for immovable property.	Suits for declaratory decrees	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act)	Other suits not falling under any of the previous heads.	Grand Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
COURTS IN THE INTERIOR.																																				
Civil Courts.																																				
Township Courts	3,836	3,054	172	1,790	3,092	531	817	666	2,690	3,136	...	...	...	...	...	...	...	..	794	12	4	25	73	5	3	14	553	112	79	...	1	9	1	13	...	467	21,899
Paid subdivisional tribunals	500	198	62	184	386	104	176	69	123	214	...	...	...	...	...	...	...	...	136	...	...	14	10	..	...	3	101	11	13	...	12	12	...	...	...	18	2,346
Small Cause Courts ...	1,459	651	55	247	1,018	290	353	34	225	88	...	...	...	...	...	...	...	...	...	...	...	..	...		...	...	...	...	...	...	...	...	...	...	4	4,424
Chief Courts of districts ...	50	4	...	28	11	4	...	...	11	7	...	...	...	...	...	...	...	...	9	1	3	23	2	5	1	1	1	13	2	1	...	2	...	2	1	8	190
Total .	5,845	3,907	289	2,249	4,507	929	1,346	769	2,979	3,435	...	..	...	...	...	...	...	...	939	13	7	62	85	10	4	18	655	136	94	1	13	23	1	15	1	497	28,829
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT																																				
Superior Courts ...	...	..	...	...	..	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	..		...	2
Total ...	...	.		.	...	..	1	.	...	...	...	...	...	...	...	..	...	...	...	...	..	...	...	...	...	...	..	...	..	..	...	1	...	...	...	2
GRAND TOTAL ...	5,845	3,907	289	2,249	4,507	929	1,347	769	2,979	3,435	...	...	...	...	...	...	...	...	939	13	7	62	85	10	4	18	655	136	94	1	13	23	2	15	1	497	28,831

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the Number and Value of Suits instituted in the Civil and Revenue Courts in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

CLASS OF TRIBUNAL	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits	Remarks.
	Not exceeding Rs 10	Not exceeding Rs 50.	Not exceeding Rs 100	Not exceeding Rs. 500	Not exceeding Rs. 1,000	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000	Exceeding Rs 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.											
Civil Courts.										Rs. A. P.	
Township Courts	3,028	7,978	6,593	3,611	64	18	.	..	577	14,50,054 10 1	
Paid subdivisional tribunals	270	700	444	608	145	79	...	...	100	4,32,581 14 5	
Small Cause Courts	959	2,168	777	478	42	...	...	...	...	2,33,685 13 10	
Chief Courts of districts	1	4	6	24	41	71	12	8	23	6,00,936 12 4	
Total ..	4,258	10,850	7,820	4,721	292	168	12	8	700	27,26,259 2 8	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.											
Superior Courts	...	...	.		...	1	...	1	...	19,600 0 0	
Total ..	...	...	.	.	.	1	...	1	...	19,600 0 0	
GRAND TOTAL ...	4,258	10,850	7,820	4,721	292	169	12	9	700	27,45,859 2 8	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

PART I.—Civil Suits.

CLASS OF TRIBUNAL.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.*	AVERAGE DURATION OF CASES.		Remarks.
		Transferred to Courts in other provinces.	Without trial.	*Without contest.*				*On reference to arbitration.*		*With contest.*				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR. *Civil Courts.*																
Township Courts	22,317	...	6,061	1,536	3,140	2,324	124	42	11	5,816	2,701	542	13	24·39	15·05	*Note.*—Thirty-nine suits pending from the previous year in the Tanmanaing Court of the Hanthawaddy district are excluded from this statement as they were lost in the burning of the court-house.
Paid subdivisional tribunals	2,438	...	395	162	352	260	9	3	1	743	419	94	4	21·04	14·87	
Small Cause Courts	4,543	...	870	191	603	1,163	7	3	4	1,141	434	127	1	12·41	10·28	
District Courts other than Chief Courts of districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	220	...	27	15	6	23	...	3	...	94	39	20	6	85·34	20·04	
Total ...	29,518	...	7,373	1,904	4,101	3,770	140	51	16	7,794	3,586	783	24	23·06	14·28	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																
Superior Courts	2	...	...	1	...	...	...	...	...	...	1	...	...	40·	137·	
Total ...	2	...	...	1	...	...	...	...	...	...	1	...	...	40·	137·	
GRAND TOTAL ...	29,520	...	7,373	1,905	4,101	3,770	140	51	16	7,794	3,587	783	24	23·06	14·28	

* That is the total number of the entries in columns 3 to 14. Cases transferred from one Court to another in the same province will appear only against the Court by which decided, or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF TRIBUNAL.	Total number of cases before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.*	AVERAGE DURATION OF CASES.		Remarks.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Township Courts	2,834	...	703	143	70	360	11	...	...	1,034	467	46	1	13·39	8·24	
Paid subdivisional tribunals	528	...	120	41	47	50	5	...	...	176	84	5	...	9·35	7·54	
Small Cause Courts	303	...	30	2	1	153	35	...	...	56	26	...	...	8·37	2·07	
District Courts other than Chief Courts of the districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	618	...	119	6	35	130	41	...	...	189	78	20	...	16·8	7·28	
Total ...	4,283	...	972	192	153	693	92	...	...	1,455	655	71	1	13·13	7·35	

* That is the total number of the entries in columns 3 to 14. Cases transferred from one Court to another in the same province will appear only against the Court by which decided, or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the Business of the Civil and Revenue Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

PART I.—Appeals from Decrees.

CLASS OF TRIBUNAL.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of districts	1,605	...	...	18	115	4	10	3	804	166	368	38	79	1	30·	1	
Superior Appellate Courts other than Chief Court of province ...	12	...	...	...	...	...	...	...	5	...	5	1	1	...	42·	...	
Total ...	1,617	...	...	18	115	4	10	3	809	166	373	39	80	1	30·	1	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of province — Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of province — Ditto from appellate do.	162	...	21	3	37	3	5	...	36	2	27	...	28	15	82·	4	
Chief Court of province — Civil revisions	26	...	16	...	4	1	...	...	1	1	...	...	3	...	29·	...	
Total ...	188	...	37	3	41	4	5	...	37	3	27	...	31	15	74·	4	
GRAND TOTAL ...	1,805	...	37	21	156	8	15	3	846	169	400	39	111	16	34·	5	

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the Business of the Civil and Revenue Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

PART II.—Miscellaneous Appeals (Judicial).

CLASS OF TRIBUNAL.	Total number of appeals before the Courts.	Transferred to Courts in other provinces.	Appeals summarily rejected	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE				CONTESTED.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
A.—Civil Courts.																	
Chief Appellate Courts other than Chief Courts of districts . ..	...	...	...	...	...	...	...	...	...	...	..	...	...	...	..	...	
Chief Appellate Courts of districts	61	...	...	6	15	1	8	...	14	3	13	...	1	...	12·	...	
Superior Appellate Courts other than Chief Court of province ...	4	...	...	...	1	..	...	...	2	...	1	...	...	...	20·	...	
Total ...	65	...	...	6	16	1	8	...	16	3	14	...	1	...	12·	...	
B.—Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...		...	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of province . { Appeals from original decrees	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of province . { Appeals from appellate decrees	9	...	5	1	...	1	...	...	2	...	..	...	...	...	35·	...	
Total ...	9	...	5	1	...	1	...	..	2	...	...	...	...	..	35·	...	
GRAND TOTAL ...	74	...	5	7	16	2	8	...	18	3	14	...	1	...	15·	...	

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the Result of Proceedings on Applications for the Execution of the Decrees of the Civil and Revenue Courts in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

CLASS OF TRIBUNAL.	Total number of applications for the execution of decrees before the Courts.	APPLICATIONS DISPOSED OF				Pending at the end of the year	Number of applications pending more than three months at the close of the year.	AMOUNT REALISED.		NUMBER OF APPLICATIONS.												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which the judgment-debtor was arrested but released without imprisonment	*On which movables property*		*On which immovable property*			*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
												Was sold.	Was attached but subsequently released.	Was sold.	Was dealt with under sections 305, 322, or 326, Act XIV of 1882	Was attached but subsequently released under section 275.	Of movables	Of immovables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR. *Civil Courts.*								Rs. A. P.	Rs. A. P.													
Unpaid tribunals	..	.	..	...	.	...		.....	.....	...	...	...	...	..	...	..	...	..	...	..	...	
Township Courts	4,501	34	1,897	869	1,456	245	16	60,283 15 5	32,938 12 10	266	1,017	520	963	326	22	613	99	127	64	2	6	
Paid subdivisional tribunals ...	926	5	364	167	316	74	1	28,617 12 11	3,991 7 6	75	132	62	170	83	2	92	11	17	8	5	...	
Small Cause Courts .. .	1,398	4	371	253	722	48	...	13,956 14 10	11,310 6 0	104	284	65	148	11	4	39	1	2	...	...	...	
District Courts other than Chief Courts of districts ..	..	..	.	.	.	.	...		....	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	190	...	46	46	59	39	1	1,39,897 0 0	25,976 1 0	11	12	19	26	26	1	40	...	...	1	...	..	
Superior Courts	...	...		...	..	..	..	.. ...	...	...	..		...	..	...	...	...	...	...	...	...	
Total .	7,015	43	2,678	1,335	2,553	406	18	2,51,755 11 2	74,116 11 4	456	1,445	666	1,307	446	29	784	111	146	73	7	6	

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the Number and Result of Applications and Proceedings under Chapter XX, Act XIV of 1882 in the Province of British Burma, exclusive of the Town of Rangoon, in the year 1883.

CLASS OF TRIBUNAL.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.										AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALISED AND DISBURSED.		Remarks.
	Total number for hearing.†	Transferred to another province, withdrawn, &c.	Granted.		Rejected.			Pending at the close of the year.	Number of insolvents discharged during the year under section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Admitted.	Satisfied.	Realised during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 360 not being taken.	Sentence of imprisonment being passed under section 359.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Courts other than Chief Courts of districts.*	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	195	27	16	76	66	4	...	6	14	6	9,916 9 0	1,043 0 0	53 1 0	1,043 0 0	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	195	27	16	76	66	4	...	6	14	6	9,916 9 0	1,043 0 0	53 1 0	1,043 0 0	...

* Specially empowered under section 360, Act XIV of 1882.

† That is, total of the entries in columns 3 to 9. Cases transferred from one Court to another in the same province will appear only against the Court by which decided, or in which pending at the close of the year if not decided.

JUDICIAL STATEMENT No. 13 (CIVIL).—*Blank.*

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1883.

Name of District or Court	ORIGINAL.									APPEAL.		
			Costs of Cases.									Costs of Cases
	Total number of cases	Total value of cases	Total amount of court fees including process fees	Total amount of process fees	Total amount of diet-money paid to witnesses	Total amount of advocates' fees	Total amount of fees for commissions and other miscellaneous charges.	Total	Percentage of column 9 to column 3.	Total number of cases	Total value of cases.	Total amount of court fees including process fees.
1	2	3	4	5	6	7	8	9	9A	10	11	12
		Rs A. P	Rs A. P	Rs. A. P.	Rs A. P	Rs A. P	Rs. A. P.	Rs. A. P			Rs. A. P	Rs. A. P.
Akyab	1,746	1,90,907 5 8	24,451 5 0	4,486 10 0	2,504 8 0	11,802 6 5	410 0 0	39,258 3 5	20·5	91	17,664 12 5	1,624 0 0
Kyaukpyu	565	27,717 12 3	3 593 0 0	1,255 0 0	1,070 0 0	1,232 2 0	102 0 0	5,997 2 0	21·6	45	2,586 0 6	430 6 0
Sandoway	257	10,606 1 8	2,036 8 0	857 8 0	609 12 0	859 13 4	77 5 9	3,583 7 1	33·8	44	2,028 8 11	223 0 0
Commissioner of Arakan										2	18,051 2 0	623 0 0
Hanthawaddy	1,160	1,29,786 7 8	49,547 3 4	2,079 8 0	974 15 0	5,114 5 3	48 8 0	55 684 15 7	42·9	44	12,907 1 9	1,118 14 0
Pegu	2,034	2,62 735 0 0	18,343 8 0	4,164 0 0	1,405 0 0	10,915 3 11	116 0 0	30,779 11 11	11 3	50	6,619 10 2	851 13 0
Tharrawaddy	2,165	97,041 12 4	16 264 13 0	5,667 14 0	2,145 12 6	8,752 7 0	178 4 0	27,361 4 6	28·1	135	28,091 3 10	1,260 14 0
Prome	2,165	1,50,249 9 7	16,801 8 0	5,389 12 0	3,533 15 0	3,687 12 4	1,979 10 0	26,002 13 4	17 3	138	13,013 10 1	1,278 10 0
Commissioner of Pegu										1	3,521 10 0	208 0 0
Thôngwa	3,515	2,54 408 10 5	35,697 13 0	8,132 8 0	4 561 0 0	12,349 10 5	435 8 0	53,063 15 5	20·8	175	24,146 2 0	3,375 4 3
Bassein	3,606	3,10,546 7 11	32,458 6 6	7,625 1 0	4,501 0 0	14 417 0 5	537 5 0	5: 913 11 11	16 7	204	24,309 8 0	2,704 5 7
Henzada	2,825	2,41,374 15 11	26 870 2 0	7,859 0 0	2,167 8 0	11,667 8 10	283 4 0	47,988 6 10	19·9	199	14,882 13 2	1,937 1 0
Thayetmyo	1,246	53,352 8 7	7,407 0 0	2,373 0 0	2,055 2 0	1,408 1 6	151 13 0	11,022 0 6	20 7	78	1,826 10 8	777 0 0
Commissioner of Irrawaddy										10	37,906 0 0	879 0 0
Amherst	1,649	1,00,402 11 8	10,664 15 0	3,652 4 0	1,864 0 0	3,015 2 7	183 8 0	15,726 9 7	14 7	97	14,273 13 8	1,039 4 0
Shwegyin	1,425	1,02,195 3 8	14,224 5 0	3,300 0 0	2,708 12 0	3,544 10 2	106 12 0	20,584 7 2	20·1	104	12,955 7 0	1,413 4 0
Toungoo	1,124	78,998 0 10	10,091 10 0	2,597 8 0	1,886 8 0	5,657 9 11	508 9 0	18,144 4 11	23·2	67	12,246 0 11	1,378 14 0
Tavoy	458	34,227 12 9	4,245 11 0	1,280 8 0	1,156 0 0	1,649 12 11	361 12 3	7,433 4 2	21 7	77	10,135 2 8	1,080 0 0
Mergui	529	26,620 7 0	3,896 4 0	1,364 8 0	856 6 0	2,783 0 0	51 0 0	7,566 10 0	28·5	33	1,410 15 0	244 0 0
Salween	40	19,363 5 6	1,359 6 0	102 8 0	139 0 0			1,498 6 0	7 7	5	737 0 0	12 0 0
Moulmein	2,226	8,16,833 7 0	33,738 0 0	4,162 0 0	3,130 2 0	22,941 12 0	1,364 2 0	61,174 0 0	7 5			
Commissioner of Tenasserim										2	1,697 0 0	136 0 0
Judicial Commissioner	2	19,600 0 0	829 8 0	7 0 0	6 0 0	1,260 0 0		2,095 8 0	10·7	143	56,642 11 2	4,421 5 3
Total	28,737	29,26,267 12 5	3,12,540 13 10	66,356 1 0	44,295 4 6	1,23,148 7 0	6,914 5 0	4,86,898 14 4	16 6	1,744	3,19,862 15 11	27,087 14 10

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1883—(continued).

Name of District or Court.	APPEAL—concluded.					EXECUTION OF DECREES.					
	Costs of Cases—concluded.							Costs of Cases.			
	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.
1	13	14	15	16	17	18	19	20	21	22	23
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	206 0 0	.....	2,086 15 10	.....	3,710 15 10	573	79,783 0 11	4,306 11 0	1,953 0 0	5 8 0	45 0 0
Kyaukpyu	122 0 0	.....	.....	481 0 0	911 6 0	83	11,789 12 0	422 12 0	266 0 0	.....	7. 8 0
Sandoway	106 0 0	.....	467 9 10	235 9 6	966 3 4	44	3,697 15 8	254 5 0	200 0 0	8 0 0	.....
Commissioner of Arakan	6 0 0	.....	877 3 10	19 4 0	1,519 7 10	.....	.....	.....	.....	.....	.....
Hanthawaddy	88 0 0	.....	1,041 7 9	.....	2,160 5 9	216	27,719 1 10	1,008 10 0	428 0 0	3 0 0	.....
Pegu	107 8 0	.....	670 0 8	.....	1,521 13 8	621	1,04,397 12 0	1,853 0 0	1,505 8 0	.....	.....
Tharrawaddy	203 0 0	.....	1,064 11 9	.....	2,325 9 9	311	22,749 7 1	1,231 12 0	513 8 0	.....	.....
Prome	218 0 0	.....	1,497 8 0	650 1 0	3,426 3 0	354	65,094 15 9	1,136 0 0	875 0 0	86 7 0	28 8 0
Commissioner of Pegu	3 0 0	.....	176 0 0	3 8 0	387 8 0	.....	.....	.....	.....	.....	.....
Thôngwa	485 8 0	83 8 0	3,016 8 10	703 9 3	7,178 14 4	692	98,005 5 2	3,363 2 0	1,702 8 0	99 0 0	15 0 0
Bassein	490 0 0	.....	2,248 5 0	.....	4,952 10 7	735	63,553 11 11	4,613 13 0	1,713 0 0	21 0 0	157 0 0
Henzada	504 0 0	.....	447 10 2	477 11 0	2,862 6 2	482	87,627 7 8	4,546 1 0	2,321 0 0	177 0 0	175 0 0
Thayetmyo	206 0 0	.....	337 7 1	.....	1,114 7 1	195	12,563 5 9	805 9 0	353 0 0	4 8 0	2 8 0
Commissioner of Irrawaddy	31 0 0	4 0 0	1,357 8 0	.....	2,240 8 0	.....	.....	.....	.....	.....	.....
Amherst	317 0 0	.....	893 2 0	.....	1,938 6 0	463	51,635 12 6	1,420 2 0	990 8 0	3 0 0	15 0 0
Shwegyin	192 0 0	.....	1,298 5 0	.....	2,711 9 0	409	30,559 3 10	2,513 9 0	1,034 0 0	4 0 0	20 0 0
Toungoo	302 0 0	.....	1,475 6 0	.....	2,854 4 0	276	47,409 0 0	1,518 13 0	1,135 0 0	2 0 0	.....
Tavoy	232 0 0	.....	602 12 8	.....	1,682 13 8	97	13,830 10 6	328 4 0	200 8 0	17 4 0	.....
Mergui	76 0 0	.....	315 0 0	.....	559 0 0	123	1,454 1 0	485 0 0	352 8 0	.....	.....
Salween	.....	.....	.....	.....	12 0 0	13	8,804 14 8	60 8 0	12 0 0	.....	.....
Moulmein	.....	.....	.....	.....	.....	922	3,35,552 1 0	3,194 1 0	1,856 0 0	18 8 0	17 0 0
Commissioner of Tenasserim	12 0 0	.....	34 1 0	.....	173 1 0	.....	.....	.....	.....	.....	.....
Judicial Commissioner	399 0 0	.....	4,919 11 4	1,410 4 0	10,751 4 4	.....	.....	.....	.....	.....	.....
Total ...	4,306 0 0	87 8 0	24,827 6 9	3,970 14 9	55,973 12 4	6,009	10,66,229 11 3	33,162 0 0	17,411 0 0	449 3 0	482 8 0

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon, during the year 1883—(concluded).

Name of District or Court.	EXECUTION OF DECREES—concluded.		MISCELLANEOUS.							
	Costs of Cases—concluded.				Costs of Cases.					
	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.
1	24	25	26	27	28	29	30	31	32	33
	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	155 1 6	4,512 4 6	328	63,650 10 1	1,609 0 0	544 0 0	177 14 0	422 8 0	21 9 0	2,230 15 0
Kyaukpyu	23 14 6	454 2 6	40	5,082 8 0	117 14 0	67 8 0	40 14 0	72 8 0	.....	231 4 0
Sandoway	22 14 0	285 3 0	37	3,967 1 1	174 11 0	81 8 0	29 4 0	49 0 0	16 15 0	200 14 0
Commissioner of Arakan	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hanthawaddy...	.....	1,011 10 0	79	20,973 4 10	427 1 0	243 8 0	51 12 0	151 8 0	.....	630 5 0
Pegu	30 0 0	1,888 0 0	545	17,431 11 0	787 3 0	556 8 0	152 4 0	780 0 0	.....	1,719 7 0
Tharrawaddy	23 9 0	1,255 5 0	271	6,962 7 8	955 12 0	378 8 0	105 6 0	530 8 0	.....	1,581 10 0
Prome	765 11 6	2,016 10 6	329	32,497 13 3	835 3 0	587 0 0	216 0 0	330 8 0	186 11 0	1,568 6 0
Commissioner of Pegu	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Thôngwa	35 0 0	3,512 2 0	577	51,145 9 9	1,502 10 0	612 8 0	256 4 0	1,062 1 0	16 0 0	2,836 15 0
Bassein	385 0 0	5,176 13 0	516	45,153 3 8	3,090 10 0	1,316 0 0	524 8 0	1,292 13 0	292 4 0	5,190 3 0
Henzada	.....	4,898 1 0	273	43,544 12 6	1,290 0 0	832 0 0	285 8 0	607 4 8	18 0 0	2,200 12 8
Thayetmyo	2 8 0	815 1 0	70	10,108 6 3	406 10 0	196 0 0	61 8 0	26 4 0	.....	494 6 0
Commissioner of Irrawaddy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Amherst	180 7 5	1,618 9 5	321	57,463 5 8	731 4 0	407 14 0	345 0 0	186 0 0	17 0 0	1,279 4 0
Shwegyin	87 9 0	2,625 2 0	172	1,70,143 14 5	4,169 0 0	388 0 0	251 0 0	210 0 0	1 0 0	4,631 0 0
Toungoo	39 7 0	1,660 4 0	223	15,490 0 0	953 14 0	620 8 0	189 0 0	390 0 0	15 0 0	1,547 14 0
Tavoy	104 1 6	449 9 6	28	9,113 6 0	123 7 0	67 0 0	49 4 0	.....	10 4 0	182 15 0
Mergui	.....	485 0 0	6	799 2 0	95 3 0	42 4 0	23 8 0	25 0 0	2 0 0	145 11 0
Salween	.....	60 8 0	17	1,870 11 4	40 4 0	8 8 0	.....	.....	.....	40 4 0
Moulmein	1,224 0 0	4,453 9 0	380	1,22,607 1 0	1,909 7 0	320 2 0	126 8 0	2,803 0 0	315 2 0	5,234 1 0
Commissioner of Tenasserim	.....	.....	84	10,921 0 0	345 0 0	.....	.....	.....	.....	345 0 0
Judicial Commissioner	.....	.....	78	6,131 8 6	336 7 0	26 0 0	.....	510 0 0	195 8 0	1,031 15 0
Total ...	3,079 3 6	37,172 14 5	4,374	6,95,015 9 0	19,970 8 0	7,297 4 0	2,885 6 0	9,428 14 8	1,107 5 0	33,302 1 8

APPENDICES TO PART III.

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Hill District of Northern Arakan on the last day of the year 1883, with the Cost of Tribunals.

NAME OF PROVINCE.			Area.	Population.	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts.	Number of districts.	Number of subdistricts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts.	Remarks.
								Judge of Chief Court of province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Court of districts.	Judges of District Courts other than Chief Courts.	Judges of other subordinate Courts.	Original.		Appeal				
													Regular.	Miscellaneous.	Regular.	Miscellaneous.			
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
PROVINCES OF BRITISH BURMA	Territory subject to the High Court	Civil ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
	Territory not subject to the High Court ..	Civil ...	1,015	14,499	...	1	...	...	1 *(a)*	1 *(b)*	...	...	71	2	...	...	...	...	*(a)* Sessions Judge (the Commissioner of Arakan *ex-officio*).
		Criminal ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
		Revenue ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	*(b)* Deputy Commissioner of the district.
	Total		1,015	14,499	..	1	...	..	1	1	...	...	71	2	..	..	...	...	

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil Courts in the Hill District of Northern Arakan in the year 1883.

CLASS OF TRIBUNAL.	SUITS FOR MONEY OR MOVABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																REMARKS.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Breach of contract not mentioned above.	Rent not falling under the rent law.	Movable property or value thereof.	Damages.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion, or withholding receipts, or on account of illegal restraint or other cause.	For pottas or kabuliyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immovable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand total.	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																						
I.—Civil Courts.																																						
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid subdivisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	..	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	49	6	1	1	...	3	1	...	...	...	...	...	..	...	...	...	..	1	...	...	...	...	3	6	...	..	..	...	...	...	...	4	75*	
Total ...	...	...	...	49	6	1	1	..	3	1	...	...	...	...	..	...	...	..	...	...	1	...	...	.	...	...	3	6	...	...	...	.	...	...	...	4	75	
II.—Revenue Courts.																																						
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	..	...	...	..	...	...	..	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	..	...	..	...	..	...	..	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																																						
Presidency Small Cause Courts ...	...	..	...	...	...	..	..	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	.	...	...	...	...	...	...	...	...	...	–	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	...	...	...	49	6	1	1	..	3	1	...	..	...	...	...	...	..	..	..	.	1		...	...	..	...	3	6	..	...	...	...	...	...	4	75	

* Includes 33 suits referred to paid Chief for disposal

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing Number and Value of Suits instituted in the Civil and Revenue Courts in the Hill District of Northern Arakan in the year 1883.

VALUE OF SUITS	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	Remarks
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs 100.	Not exceeding Rs. 500.	Not exceeding Rs 1,000.	Not exceeding Rs. 5,000	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
										Rs A. P.	
COURTS IN THE INTERIOR.											
I.—Civil Courts.											
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	
Paid subdivisional tribunals	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	...	...	...	1	...	...	...	...	6,317 1 6	
Total	...	11	36	15	12	1	...	...	...	6,317 1 6	
II.—Revenue Courts.											
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	
Collectors' Courts	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	
III —Courts at the Presidency or seat of Government.											
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	
Superior Courts...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	11	36	15	12	1	...	...	...	6,317 1 6	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Hill District of Northern Arakan in the year 1883.

PART I.—Civil Suits.

CLASS OF COURTS.	Total number of suits before the Courts.	NUMBER OF SUITS DISPOSED OF.										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF SUITS.		Remarks.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	..	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid subdivisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	73	...	3(a)	2	23	3	2	31	2	4	1	2	...	6·54	3·49	(a) Three cases dismissed for default.
Total	73	...	3	2	23	3	2	31	2	4	1	2	...	6·54	3·49	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.																
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	73	...	3	2	23	3	2	31	2	4	1	2	...	6·54	3·49	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Hill District of Northern Arakan in the year 1883.

PART II.—Miscellaneous Cases (Judicial).

CLASS OF COURT.	Total number of cases before the Courts.	NUMBER OF CASES DISPOSED OF										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	AVERAGE DURATION OF CASES.		Remarks.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed ex-parte.	Dismissed ex-parte.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid subdivisional tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of districts	...	2	...	...	...	...	...	...	...	2	...	...	...	1·	...	
Total	...	2	...	...	...	...	...	...	...	2	...	..	...	1·	...	
II.—Revenue Courts.																
Unpaid local tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or seat of Government.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	2	...	...	...	...	...	...	...	2	...	...	...	1·	...	

JUDICIAL STATEMENTS NOS. 10 to 13—*Blank.*

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the District of Arakan Hill Tracts during the year 1883.

Name of District or Court.	ORIGINAL.									APPEAL.								EXECUTION OF DECREES.								MISCELLANEOUS.								Remarks.
			Costs of cases.									Costs of cases								Costs of cases.								Costs of cases.							
	Total number of cases	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of column 9 to column 3.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases	Total value of cases	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	
1	2	3	4	5	6	7	8	9	9A.	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
		Rs A P					Rs. A. P	Rs A P																			Rs. A. P.							
Arakan Hill Tracts ..	71	5,973 4 6	...	...	...	..	43 8 0	43 8 0	·7	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	2	55 0 0	...	...	...	...	...	...	
Total ..	71	5,973 4 6	...	...	...	..	43 8 0	43 8 0	·7	...	..	...	.	...	...	...	...	·	·	...	...	...	...	...	..	2	55 0 0	...	...	...	...	...	...	

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

FOR

The year 1884.

RANGOON:
PRINTED AT THE GOVERNMENT PRESS.

1885.

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RESOLUTION

ON

THE CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1884.

Extract from the Proceedings of the Chief Commissioner, British Burma, in the Judicial Department,—No. 17B., dated the 6th July 1885.

READ—

Report on the Administration of Civil Justice in British Burma during the year 1884.

RESOLUTION.—There was an increase of litigation in the province during the year 1884 as compared with previous years. The number of regular suits instituted rose from 32,957 in 1883 to 35,476 in the year under review. In Rangoon the number of regular suits filed in the Recorder's Court was 212 as compared with 141 in 1883; and the number of institutions of suits in the Small Cause Court rose from 3,911 to 5,116. There was also an increase of 1,193 in the number of suits filed in the Courts subordinate to the Judicial Commissioner. The increase in the number of suits in the Recorder's Court was to some extent due to the appointment for part of the year of an Additional Recorder, whereby the disposal of business was much facilitated. The increase in the work of the Courts outside Rangoon occurred mainly in the districts of Arakan and Tenasserim; civil litigation remains at about the old standard in the districts of the Pegu and Irrawaddy divisions. Besides regular suits, 8,118 miscellaneous cases were instituted as compared with 6,945 in the previous year. The large increase in the mofussil Courts in the number of suits on contracts in writing and for goods sold, and the decrease in the number of suits on unwritten obligation, for damages, and for dissolution of marriage, are noticeable. The value of the subject-matter of suits instituted increased from Rs. 35,22,709 in 1883 to Rs. 37,66,108 in 1884. The increase occurred in the Rangoon Courts. In the Courts outside Rangoon there was a decrease in the total values.

2. *Disposal of Work.*—The appointment of an Additional Recorder enabled the Recorder's Court to dispose of 501 (including insolvency and miscellaneous) cases, or nearly double the number (260) disposed of in 1883. The number of regular suits disposed of by the Judges of the Small Cause Court in Rangoon increased from 3,921 in 1883 to 5,066 in the year under review; and the Courts under the control of the Judicial Commissioner disposed of 29,839 cases as compared with 28,737 in the previous year. The total number of regular suits disposed of in the province increased from 32,806 in 1883 to 35,229 in 1884. There were 1,469 cases pending at the close of the year as compared with 1,146 at the close of 1883. The fact that, notwithstanding the large increase in the number of cases disposed of, 138 more cases were pending in the Rangoon Courts at the end than at the beginning of the year is an indication that the existing means are inadequate

to cope with the increasing litigation. To provide for the needs of the town in this respect, sanction has been given to the permanent appointment of a second Recorder. Power will also be taken to apply to the Rangoon Small Cause Court, with the necessary modifications, the provisions of the Presidency Small Cause Courts Act. In the Rangoon Courts the average duration of contested cases was 51·93 days, of uncontested cases 26·82 days. In 1883 the corresponding figures were 26·47 and 18·22. In Courts of the interior the work was rapidly done, the general average duration being 19 days for contested and 12 days for uncontested cases. Of the total number of cases disposed of 12,716, or 36 per cent., were contested. In 8,725, or 69 per cent. of these, the plaintiff was wholly or partly successful. The proportion of cases decreed *ex-parte* to the total number of cases disposed of was 18 per cent., and 24 per cent. of the total number were decided without trial. The Judicial Commissioner appears to be satisfied that cases decided *ex-parte* are tried with due regard to law.

3. *Execution of Decrees.*—In the course of the year 9,760 applications for the execution of decrees came before the Courts as compared with 8,568 in the previous year. In 5,021 cases, or 51 per cent., satisfaction in whole or in part was obtained. In 4,051 cases, or 41 per cent. of the total number, the application was entirely infructuous. These percentages are slightly less satisfactory than those of the previous year. As regards the mode of execution, it may be noted that the number of persons actually imprisoned rose from 597 to 657, while 3,167 processes for the arrest of judgment-debtors were issued as compared with 2,419 in 1883. In 1,243 cases immoveable property was attached, and in 492 property of this kind was sold. The number of sales of immoveable property was greater than in 1883, but less than in 1882.

4. *Appeals.*—The work of the Appellate Courts was lighter in 1884 than in the previous year, the number of appeals for disposal in the two years being 1,666 and 1,797 respectively. The Special Court decided six out of 13 appeals on its file. In the Courts under the control of the Judicial Commissioner, the proportion of appeals preferred during the year to the number of appealable cases decided after contest was about 15 per cent., a slightly lower proportion than in the previous year. Of 1,334 appeals disposed of by Deputy Commissioners, 37 per cent. were more or less successful. Out of 1,527 appeals decided by all Courts, the original decree was upheld in 966, or 63 per cent.

5. *Cost of Litigation.*—The usual tables showing the cost of litigation in the mofussil Courts are appended to the report. The total amount of costs in original suits was Rs. 4,04,300, or 15·7 per cent. of the total value of suits. This is slightly more than the corresponding percentage (15·38) of last year. The average cost of appeals (20·31 per cent.) increased, while the average cost of execution (2·53) decreased. The average cost of original suits varied from 38·74 per cent. (Sandoway) to 5·47 per cent. (Pegu).

6. *Supervision of Courts.*—The divisional and district reports show that Commissioners and Deputy Commissioners do much valuable work in inspecting the subordinate Courts, examining their cases, and overhauling their procedure. By reason of this careful supervision the quality of justice done by these Courts and the character of their procedure is improving.

7. *Financial.*—So far as can be ascertained, the total cost of the Courts of Justice and the income from court fees compare as follows :—

	Total amount of court fees, including process fees filed in Civil Courts, as shown in the present reports.	Cost of Civil and Criminal Courts and their establishments as returned in the present reports.	Gross expenditure on Civil and Criminal Courts in 1884-85 as per treasury figures.	Total revenue yielded by court-fee stamps, with judicial fines and forfeitures in 1884-85, as per treasury figures.
	Rs.	Rs.	Rs.	Rs.
Recorder's and subordinate Courts ...	95,460	92,720		
Judicial Commissioner's and subordinate Courts	4,14,368	4,43,345	7,99,230	8,93,671*
Total ...	5,09,828	5,36,065		

It thus appears that the judicial receipts of the province more than cover the charges for judicial establishments, and leave a margin to cover the cost of pensions to Judicial Officers or to contribute towards the cost of jails and police.

By order of the Chief Commissioner,

G. D. BURGESS,

Secretary.

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* *Note.*—This sum consists of Rs. 6,58,607, "Court fees," and Rs. 2,35,064, "Judicial fines and forfeitures." The revenue from non-judicial stamps is outside these figures.

THE

CIVIL JUSTICE REPORT

OF

BRITISH BURMA

For the year 1884.

PART I.

Courts exercising jurisdiction in the Town of Rangoon.

SPECIAL COURT OF BRITISH BURMA.

During the year 1884 there were seven appeals from the decision of the Judge of the Town of Moulmein, and six were pending from the previous year, making in all 13 appeals for disposal. Of those, six were disposed of and seven were pending at the close of the year. In the previous year seven appeals were filed from the decision of the Judge of the Town of Moulmein, two appeals transferred from the Judicial Commissioner's Court by order of the Chief Commissioner, and 12 disposed of.

2. The following is the comparative table showing results of the past two years :—

Year.	Number of appeals pending at the close of the previous year.	Number of appeals instituted in 1884.	Total for disposal.	Result.				
				Confirmed.	Modified.	Reversed.	Remanded.	Pending.
1883	9	9	18	7	1	3	1	6
1884	6	7	18	6	...	...	...	7

3. Besides the above, there was one miscellaneous appeal, under section 66 of the Burma Courts Act, 1875, against an order passed by the Recorder of Rangoon in his insolvency jurisdiction. This application was dismissed.

4. There were also three references made to this Court (one by the Judicial Commissioner and two by the Recorder) under section 76 of the Burma Courts Act (XVII of 1875).

(1) The question referred to this Court by the Judicial Commissioner was—whether the Assistant Commissioner who tried the case had jurisdiction. The plaintiff, being a Chinese Buddhist, sued the defendant, a Burmese Buddhist, who was divorced from him, to obtain the custody of a child born to plaintiff and defendant prior to divorce.

The Judicial Commissioner was of opinion that, having regard to the exception to section 4 of the Burma Courts Act, "the case is removed from Buddhist "law as the chief determinator, and that it must be governed by the Statute "Act, XL of 1858," and if this was so, the Assistant Commissioner had no jurisdiction, and that the case should have been tried by the District Judge or Deputy Commissioner. It was held that the parties being admittedly Buddhists, the case was not removed from Buddhist law, and, as this was the only ground put forward for questioning the Assistant Commissioner's jurisdiction, the Judges thought he had jurisdiction.

(2) The point referred by the Recorder for decision was—

(*a*) whether, in the case of a devise or bequest, where a question arises whether the testator had power to dispose of the whole of his estate, probate or letters-of-administration, with the will annexed, may be granted, limited to such part as he undoubtedly could dispose of; or

(*b*) whether such probate or letters-of-administration should not be limited to all such estate as the testator had a right to dispose of, and has by his will disposed of accordingly.

The Court held that letters-of-administration, with the will annexed, should be granted to the petitioner without any limitation whatever, either general or special.

(3) The point of law referred by the Additional Recorder for decision was—whether the Recorder had jurisdiction, in proceedings which have come before him from the Collector of Rangoon under the Land Acquisition Act, to enquire into and decide the question of title between the Government and the claimants.

The Court held that the Land Acquisition Act conferred on the Recorder no power to enquire into the claims of ownership set up against Government, and that he has no jurisdiction to do more than determine what should be the amount of compensation to be awarded to the claimants in respect of the interests which the Government admit they had in the land or produce of the land taken up.

5. The two appeals which were referred to the Privy Council from the decisions of this Court are still pending.

6. The revenue of the Court during the year from court-fee stamps amounted to Rs. 1,003-8-0, and the expenditure Rs. 1,800. In the previous year the revenue was Rs. 1,656-5-0, and the expenditure Rs. 1,800.

7. The Judges of the Court were Mr. Jardine and Mr. Allen from 1st January to 5th March; and Mr. Jardine and Mr. Agnew from 6th March to 11th April, Mr. Agnew and Mr. Ward from 18th April to 22nd July, Mr. Ward and Mr. MacEwen from 5th June to 25th September, and for the remainder of the year Mr. Agnew and Mr. Ward..

W. F. AGNEW,
W. F. MERES,
Judges of the Special Court of British Burma.

RANGOON:
The 30th April 1885.

COURT OF THE RECORDER OF RANGOON.

Report on the Administration of Civil Justice in the Court of the Recorder of Rangoon and in the Court of Small Causes, Rangoon, for the year 1884.

During the year 1884, 538 cases were instituted, of which 212 were regular, 49 insolvency, and 277 miscellaneous, as compared with 337 cases in the previous year, namely, 142 regular (including one admiralty), 22 insolvency, and 173 miscellaneous cases, showing an increase of 71 regular, 27 insolvency, and 104 miscellaneous cases. The following cases were pending at the close of the year 1883, namely, 95 regular (including one admiralty), 13 insolvency, and 15 miscellaneous; and there were two new trials,—thus making a total of 663 cases for disposal during the year. Of these the following were disposed of, namely, 199 regular, one new trial, 30 insolvency, and 271 miscellaneous; and there remained pending at the close of the year 1884, 107 regular, one new trial, one admiralty, 32 insolvency, and 21 miscellaneous cases.

In the previous year 77 regular, 23 insolvency, and 160 miscellaneous cases were disposed of, making a total of 260 cases. The number of cases disposed of in 1884 as shown in the last paragraph was 501, or 241 more than in 1883. This excess may be explained by the appointment of an Additional Recorder for three months, from the 21st April to the 22nd July.

2. The total value of suits instituted during the year amounted to Rs. 6,09,925, and the amount of court-fee stamps realized was Rs. 45,276-4-0, while the total value of suits disposed of amounted to Rs. 6,03,956. In the year 1883 the value of suits instituted amounted to Rs. 4,35,097 and the court-fee stamps Rs. 31,920-9-0, the value of suits disposed of being Rs. 5,05,151.

Thus it will be observed that there has been an increase under every head.

3. The above particulars are shown in detail in the following tables :—

Year.	Number of suits instituted.						Number of suits disposed of.						Number of suits pending.						Value of suits instituted.	Value of suits disposed of.
	Regular.	New trials.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	New trials.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.	Regular.	New trials.	Vice-admiralty.	Insolvency.	Miscellaneous.	Total.		
																			Rs.	Rs.
1883 ...	141	'...	1	22	173	337	77	...	...	23	160	260	94	...	1	13	15	123	4,35,097	5,05,151
1884 ...	212	2	...	49	277	540	199	1	...	30	271	501	107	1	1	32	21	162	6,09,925	6,03,956
Increase ...	71	2	...	27	104	203	122	1	...	7	111	241	13	1	...	19	6	39	1,74,828	98,805
Decrease ...	...	...	1	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...

Statement of Court-fees realized.

Year.	Process fees.	Amount realized under Act VII of 1870, Schedule I, Articles 1 to 9 inclusive.	Amount realized under the same Schedule, Nos. X to XII.	Amount realized under Schedule II.	Total.
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
1883	1,822 0 0	21,256 4 0	8,585 0 0	807 5 0	31,920 9 0
1884	2,897 8 0	26,911 14 0	14,918 0 0	1,048 14 0	45,276 4 0
Increase ...	1,075 8 0	5,655 10 0	6,333 0 0	241 9 0	13,355 11 0
Decrease ...	.....	.....	.....	.....	.....

4. It will be seen from the above table that the value of court-fees realized in 1884 amounted to Rs. 45,276-4-0 against Rs. 31,920-9-0 in 1883, showing an increase of Rs. 13,355-11-0.

5. Of the 200 regular cases disposed of, 106 were contested and 93 uncontested, and one was referred to arbitration. The average duration of the former was 199 days and of the latter 113 days, whereas in the previous year it was 174 and 60 days respectively.

6. There were 17 applications made to this Court, under section 622 of the Civil Procedure Code, for revision of the judgments and decrees passed by the First Judge of the Small Cause Court. In only one of these cases was the judgment and decree reversed; two cases were pending at the close of the year; the decisions in the remaining cases were not interfered with. There was also one application against the judgment and decree of the Second Judge of the Small Cause Court, but the decision was not interfered with.

7. During the year there were three applications for new trials, of which two were granted and one refused; and there were also three applications for review of judgments, all of which were refused.

8. There was a reference made to the High Court of Calcutta on points of law under section 54 of the Burma Courts Act, 1875, whereas in the previous year there were three such references made.

There were also two references made to the Special Court of British Burma under section 76 of the Burma Courts Act.

9. During the year two appeals were preferred to the Privy Council and one to the High Court of Calcutta from the judgments and decrees of this Court, the results of which are not yet known.

The appeal which was preferred in 1882 to the Privy Council was decided in the year under review, the decree and judgment of this Court being reversed by Her Majesty in Council.

10. The following table shows the classes to whose estates probates and letters-of-administration were granted during the year and the value of the estates:—

Class.	Number of probates granted.	Number of letters-of-administration.	Number of letters-of-administration, with will.	Value of estates.
				Rs.
Europeans and Eurasians	6	7	...	2,94,200
Buddhists {Burmese	...	4	...	10,700
Buddhists {Chinese	...	2	...	4,900
Mahomedans	3	5	..	4,26,600
Hindus	...	3	...	21,600
Total ...	9	21	...	7,58,000

11. In the previous year five probates, 21 letters-of-administration, without copies of will annexed, and three letters-of-administration, with copies of will annexed, were granted.

12. The value of the estates amounted to Rs. 4,46,850 and the court-fee stamps Rs. 8,535, the latter being Rs. 6,779 more than in the year under review.

Vice-Admiralty Jurisdiction.

13. No cases were filed under this jurisdiction during the year.

Insolvency Jurisdiction.

14. There were 49 petitions presented in this jurisdiction during the year, of which 38 were for personal discharge, three for final discharge, and eight persons were adjudicated insolvents; and the petitions of 16 persons were pending at the close of the previous year.

15. The following table shows the particulars of the insolvency cases:—

Town.	Number of persons whose applications were pending at the close of 1883.	Number of petitions filed during 1884.	Number of persons.	Total number of persons.	Personal discharge granted.	Result.						
						Final discharge granted.	Adjudicated insolvents.	Dismissed.	Rejected.	Withdrawn with leave.	Struck off in default.	Pending.
Rangoon ...	9	43	52	61	10	1	8	11	...	7	...	24
Moulmein ...	5	4	6	11	...	...	...	3	...	1	2	5
Akyab ...	2	2	2	4	...	1	...	...	...	...	...	3
Total ...	16	49	60	76	10	2	8	14	...	8	2	32

16. In the year 1883 there were 22 petitions presented by 24 persons.

17. During the year the Recorder visited Moulmein once, but was not able to visit Akyab from press of work.

18. Mr. C. F. E. Allen officiated as Recorder up to the 5th March, and Mr. W. F. Agnew took charge from the 6th March.

19. In order to afford temporary help to the Recorder, Mr. R. S. T. MacEwen was appointed Additional Recorder from the 21st April to the 22nd July.

Mr. MacEwen also officiated as Recorder from the 23rd July to the 25th September during the absence of Mr. Agnew on leave.

20. The total revenue of the Court during the year was Rs. 45,436-4-0, and the expenditure was Rs. 65,331-3-7. The following statement gives in detail the receipts and expenditure:—

Receipts.	Rs. A. P.	Expenditure.	Rs. A. P.
Amount realized by court-fee stamps.	45,276 4 0	Recorder's salary	30,778 10 8
Amount realized by fines...	.....	Additional Recorder's salary ...	9,033 14 0
Amount of stamp penalty	160 0 0	Establishment .. .	21,424 1 11
Excess of expenditure over receipts.	19,894 15 7	Process-serving establishment, being one-third of bailiff's salary and two peons, the remainder being charged to the Small Cause Court.	1,281 5 0
		Contingencies	2,057 4 0
		Rates and taxes	432 0 0
		Subsistence of witnesses in criminal cases	118 8 0
		Travelling allowance of Recorder and establishment.	260 8 0
Total ...	65,331 8 7	Total ...	65,331 8 7

21. The increase in the expenditure over last year of Rs. 18,501-12-5 was due to the appointment of the Additional Recorder and extra establishment.

THE COURT OF SMALL CAUSES.

22. During 1884 there were instituted 5,116 regular and 3,387 miscellaneous suits, or 8,503 suits in all, or an increase of 1,205 regular and 780 miscellaneous suits, making a total of 1,985 over the previous year.

23. The First Judge received all the plaints and the miscellaneous and interlocutory applications till November, when new rules, framed by the Government of India, came into operation; plaints against Burmese defendants in suits up to Rs. 500 were received in Burmese by the Second Judge; during the year 161 such plaints were filed. The value of suits amounted to Rs. 5,12,177-15-0, being an increase over the previous year of Rs. 1,76,741-14-10. The average value of each suit came to Rs. 100, or Rs. 15 over that of the year before. When compared with the presidency town Courts, Mr. Lingham observes that one cannot fail to be struck with the fact how very few suits under Rs. 20 each are filed.

24. Eight thousand three hundred and fifty-three suits of both classes were disposed of. The First Judge, besides receiving plaints and interlocutory work, disposed of 1,794 regular and 3,100 miscellaneous suits, or 4,894 in all. The Second Judge disposed of 3,272 regular and 187 miscellaneous suits, or a total of 3,459 suits. In two regular and one miscellaneous suits the First Judge sat with the Second Judge.

25. The First Judge disposed of 472 contested cases at an average of 49·14 days, and 1,322 uncontested cases at an average of 31·15 days.

26. The Second Judge disposed of 752 contested and 2,520 uncontested suits; the average duration of each was 32·95 and 21·33 days respectively. The average duration has, no doubt, increased. But Mr. Lingham remarks that, if it be compared with the presidency town Courts, it will not be deemed too high.

27. The number of suits pending at the close of the year increased to 391 regular suits and 180 miscellaneous suits.

28. There were 1,970 applications to execute decrees, against 1,445 in the previous year. There has also been an increase under the head of miscellaneous cases, other than applications for execution of decrees.

29. The following tables show the particulars of the miscellaneous cases before each Judge:—

First Judge.

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused, withdrawn, or rejected.	Executed.	Unexecuted.	Pending at the close of the year.
Reference to High Court	...	5	5	5	...	...	...	...
For removal of attachment	6	26	32	...	...	11	19	2
To sue in *formâ pauperis*	...	8	8	2	6	...	...	...
For new trial	...	6	6	2	3	...	...	1
To set aside *ex-parte* decree	...	17	17	13	4	...	...	...
For review of judgment	...	6	6	2	4	...	...	...
Application for certificate of non-satisfaction with copy of the decree forwarded to other Courts for execution.	...	129	129	129	...	...	...	...
Commission from other Courts to examine witnesses.	3	23	26	...	...	17	7	2
Processes from other Courts forwarded to this Court for service.	8	590	598	...	...	156	398	44
Applications under Chapter XX of the Civil Procedure Code.	3	28	31	16	12	...	..	3
To furnish security before judgment ...	...	130	130	78	48	...	...	4
Other cases	8	258	266	147	104	...	...	15
Total ...	28	1,226	1,254	894	181	184	424	71

Second Judge.

Nature of application.	Pending at the close of last year.	Instituted during the year.	Total for disposal.	Granted.	Refused, withdrawn, or rejected.	Executed.	Unexecuted.	Pending at the close of the year.
For removal of attachment	...	21	21	8	11	...	...	2
For new trials	2	18	20	2	18	...	...	...
To set aside *ex-parte* decree	...	24	24	12	12	...	...	...
For review of judgment	...	2	2	...	2	...	...	...
Commission from other Courts to examine witnesses.	...	15	15	4	11	...	...	...
To furnish security before judgment ...	...	9	9	7	2	...	...	...
Other cases	...	102	102	47	51	...	...	4
Total ...	2	191	193	80	107	...	...	6

30. The value of stamps was Rs. 42,205-4-0, or an increase of Rs. 13,861-6-0 over the year before; the financial working of the Court (which follows) shows an excess of receipts over disbursements of Rs. 22,635-7-5.

Receipts.	Amount.	Expenditure.	Amount.	Total.
	Rs. A. P.		Rs. A. P.	Rs. A. P.
Amount realized by stamps	42,205 4 0	First Judge's pay	9,976 10 8	
		Second Judge's pay	6,000 0 0	
Tullubana fund collected in cash ...	7,714 10 0			15,976 10 8
		Establishment	8,107 7 1	
Fines	8 4 0	Contingencies	704 12 6	
				8,812 3 7
Stamp penalty levied on insufficiently stamped documents.	87 8 0	Two-thirds share of the bailiff's pay, two-thirds share of the head peon's pay, and pay of eight peons of the bailiff's establishment debited to this Court by direction of the Recorder of Rangoon.	...	2,599 15 4
By sale of unserviceable furniture ...	7 0 0			
By sale of empty stationery cases ...	1 11 0			
		General.		
General.		Amount disbursed to the interpreters up to 30th September 1884.	...	2,086 0 0
		Total ...	...	29,474 13 7
Amount of Interpreters' fees realized up to 30th September 1884.	2,086 0 0			
		Balance of receipt over expenditure ...	...	22,635 7 5
Total ...	52,110 5 0	Total ...	...	52,110 5 0

31. Mr. Lingham was the First Judge till the 7th June, when he made over charge to Maung Ba Wa, the Second Judge, and proceeded on sick leave to England.

On the 21st June Mr. Thomas Owen was appointed to officiate as First Judge; he took his seat on the 23rd June and acted for the rest of the year.

Maung Ba Wa was the Second Judge throughout the year.

R. S. T. MACEWEN,
Offg. Recorder.

PART II.

Courts under the Supervision of the Judicial Commissioner.

From W. F. MERES, Esq., B.A., C.S., Officiating Judicial Commissioner, British Burma, to the Secretary to the Chief Commissioner, British Burma,—No. 1081-1, dated the 9th May 1885.

I HAVE the honour to submit the following report and the enclosed statements relating to the administration of civil justice in 1884 in the Court of the Judicial Commissioner and in the Courts subordinate to this Court:—

ORIGINAL JURISDICTION.

(1). *The Court of the Judicial Commissioner.*—No original civil suits came before this Court during the year.

(2). *Civil Courts subordinate to the Judicial Commissioner.*—The total number of original suits instituted and decided in the subordinate Courts in each of the past three years, and the number pending at the close of each year, are given below:—

	Instituted.	Determined.	Pending.
1882	28,127	28,225	728
1883	28,881	28,737	783
1884	30,024	29,839	968

Although there is an increase of 1,193 cases, the disposals have about kept pace with the institutions.

2. The following table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year as compared with similar results for the preceding year:—

Division.	Name of district.	Instituted.		Disposed of.		Pending at close of year. Above four months.		Total pending.	
		1883.	1884.	1883.	1884.	1883.	1884.	1883.	1884.
ARAKAN.	Akyab	1,385	1,545	1,364	1,532	...	3	46	59
	Akyab Small Cause Court	378	439	382	435	...	...	1	5
	Kyaukpyu	565	680	565	678	...	1	8	10
	Sandoway	266	282	257	290	1	...	11	7
	Total ...	2,594	2,946	2,568	2,931	1	4	66	81
PEGU.	Hanthawaddy	1,169	1,130	1,160	1,099	...	1	24	55
	Pegu	2,078	1,987	2,084	1,953	8	9	74	108
	Tharrawaddy	1,876	1,757	1,882	1,700	4	...	32	89
	Tharrawaddy Small Cause Court ...	286	354	283	357	..	...	3	..
	Prome	1,913	1,942	1,976	1,912	...	2	22	52
	Prome Small Cause Court	189	317	187	316	...	...	2	3
	Judicial Commissioner, British Burma ...	2	...	2	...	..	...	.	
	Total ...	7,513	7,487	7,526	7,337	12	12	157	307
IRRAWADDY.	Henzada	2,841	1,867	2,336	1,898	...	...	64	33
	Henzada Small Cause Court	509	610	480	613	...	...	14	11
	Bassein	3,284	3,356	3,307	3,379	..	...	72	49
	Bassein Small Cause Court	300	381	299	381	..	...	1	1
	Thôngwa	3,540	3,645	3,515	3,641	...	1	85	89
	Thayetmyo	1,152	1,227	1,133	1,229	...	...	49	54
	Thayetmyo Small Cause Court ...	115	177	113	175	...	...	4	6
	Total ...	11,244	11,263	11,192	11,309	...	1	289	243
TENASSERIM.	Amherst	1,666	1,573	1,649	1,583	...	4	43	33
	Shwegyin	1,256	1,515	1,248	1,455	3	3	55	115
	Shwegyin Small Cause Court	177	213	177	210	...	...	5	2
	Toungoo	776	906	758	913	2	1	29	22
	Toungoo Small Cause Court	372	425	366	425	...	1	7	7
	Tavoy	474	460	458	469	...	...	22	13
	Mergui	534	544	529	538	...	...	7	13
	Salween	39	40	40	38	...	...	...	2
	Moulmein Judge's Court	103	109	106	105	5	4	13	17
	Moulmein Small Cause Side	2,104	2,543	2,120	2,520	1	4	90	113
	Total ...	7,480	8,328	7,451	8,202	11	17	271	337
	GRAND TOTAL ...	28,831	30,024	28,737	29,839	24	34	783	968
	Increase	...	1,193	...	1,102	...	10	...	185
	Decrease ...		...	.	..	...	..	...	...

3. There is one unpaid civil tribunal in the province, that of the Thugyi-Judge of Pyindayè in the Thôngwa district, presided over by Maung Po. The work of his Court is shown in the first line of figures in the "Imperial statements" herewith submitted.

4. The increase and decrease of institutions in the different districts in the year are shown below:—

Division.	Name of district.	Increase.		Decrease.	
		Instituted.	Disposed of.	Instituted.	Disposed of.
Arakan.	Akyab	221	221	...	...
	Kyaukpyu	115	113	...	...
	Sandoway	16	29	...	...
	Total	352	363	...	...
Pegu.	Hanthawaddy	...	...	39	61
	Pegu	...	...	91	81
	Tharrawaddy	...	...	51	108
	Prome	157	68	...	...
	Judicial Commissioner, British Burma	...	...	2	2
	Total	...	...	26	189
Irrawaddy.	Henzada	...	...	367	314
	Bassein	153	154	...	...
	Thôngwa	96	126	...	...
	Thayetmyo	137	151	...	...
	Total	19	117	...	...
Tenasserim.	Amherst	...	...	93	66
	Shwegyin	316	246	...	...
	Toungoo	188	214	...	...
	Tavoy	...	11	14	...
	Mergui	10	9	...	...
	Salween	1	...	...	2
	Moulmein	445	399	...	...
	Total	848	811	...	...
	Grand Total	1,198	1,102	...	...

5. There is not a great deal of variation. The increased institutions are general throughout the province, except in the Pegu division. It is not easy to account for small fluctuations such as these. I give some of the attempts which have been made at explanation. The Commissioner of Arakan says:

"Owing to the cyclone in May, the paddy season was not a favourable one, and came to an early termination. Large quantities of grain remained in the country. A portion of it was damaged and unfit for export purposes. More than 50,000 tons remained unshipped, over and above the usual annual food reserves.

"A superabundance of grain in the country has kept prices easy and mitigated to some extent distress, which might otherwise have resulted as a consequence of the cyclone.

"It is this easy state of things no doubt which has given the people time and inclination to realize outstandings by an appeal to the Courts. Hence probably increased litigation."

The Deputy Commissioner of Kyaukpyu attributes the increase in his district partly to the establishment of a new Court and the consequential increased expedition in the disposal of suits since its establishment, and "partly to the revival of commerce following the suppression of dacoity upon the frontier."

The Pegu Deputy Commissioner thinks the small decrease is "due to there "having been an unusually prosperous season, the rice market having commenced "early with high prices maintained from the commencement."

The Deputy Commissioner of Prome thinks the decrease in his district is due to "depression of trade."

The increase at Shwegyin of 316 cases is attributed by the Commissioner to the development of the Sittang subdivision. The removal of one of the Courts to the line of railway at Pyuntaza seems to have been of advantage to suitors, the civil business of that Court having increased, in two years, from 74 to 405 cases. The Deputy Commissioner of Thayetmyo suggests that the increase in his district is due to "extended knowledge of our legal system."

The falling-off of 93 cases at Amherst the Deputy Commissioner thinks may be due to the "cattle-plague which last year (1883) caused diminution of cultivation, and so the cultivators could not meet their debts," thus abnormally swelling institutions in 1883. I give these guesses for what they are worth, as I am new to the province. Increase of population, increased commercial activity, and the general opening up of this new province, must contribute in causing an increase of business in the Civil Courts.

6. The following table shows the character of the original litigation in the different districts and classes of Courts:—

Division.	Name of district.	Number of Suits.													
		On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For movable property or value thereof.	For damages.	For immovable property or interest therein.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial rights.	Other suits.	Total.
Akyab	Akyab	424	147	44	86	116	73	142	174	103	66	3	23	144	1,545
	Akyab Small Cause Court.	116	...	..	94	49	85	5	10	14	...	...	...	66	439
	Kyaukpyu	75	102	.	61	104	13	27	83	64	64	17	17	53	680
	Sandoway	29	33	...	9	34	65	3	15	52	12	1	4	25	282
	Total ...	644	282	44	250	303	236	177	282	233	142	21	44	288	2,946
Pegu	Hanthawaddy ..	124	200	83	35	123	190	...	221	74	22	1	16	23	1,130
	Pegu	696	378	7	63	245	2	141	231	52	20	1	34	117	1,987
	Tharrawaddy ...	178	50	4	175	302	29	11	237	409	117	...	50	195	1,757
	Tharrawaddy Small Cause Court.	29	33	6	21	129	...	1	28	75	3	...	...	20	354
	Prome	291	255	18	50	387	51	14	232	294	182	...	70	98	1,912
	Prome Small Cause Court.	116	37	4	17	69	62	12	...	...	...	..	...	...	317
	Judicial Commissioner, British Burma.	...	...	...	...	...	...	...	...	...	...	...	...	...	...
	Total ...	1,434	962	122	361	1,255	343	179	949	904	344	2	170	462	7,487
Irrawaddy	Henzada	172	102	5	195	143	47	50	267	541	139	...	81	56	1,807
	Henzada Small Cause Court.	152	108	4	10	184	21	20	59	2	...	...	...	50	610
	Bassein	458	569	27	167	520	116	3	550	466	133	...	123	215	3,356
	Bassein Small Cause Court.	138	62	...	3	111	28	...	1	20	...	...	...	18	381
	Thôngwa	691	570	17	234	875	76	38	199	514	75	1	52	303	3,645
	Thayetmyo ...	214	116	16	96	218	115	18	143	169	58	3	34	25	1,227
	Thayetmyo Small Cause Court.	82	12	...	1	75	...	2	..	...	...	...	...	5	177
	Total ..	1,907	1,599	69	706	2,135	403	140	1,219	1,712	405	4	290	672	11,203
Tenasserim	Amherst	402	273	23	128	173	36	60	185	43	39	1	24	120	1,573
	Shwegyin	396	10	73	385	252	232	7	39	74	21	1	21	54	1,515
	Shwegyin Small Cause Court.	...	...	5	82	50	46	8	5	17	...	...	...	...	213
	Toungoo	180	53	8	66	100	28	40	128	61	49	2	46	115	906
	Toungoo Small Cause Court.	193	9	3	52	88	...	18	23	...	.	...	...	40	425
	Tavoy	77	130	2	7	86	0	0	46	24	24	..	...	46	460
	Mergui	229	42	0	39	74	38	20	19	40	6	...	8	23	544
	Salween	8	4	2	2	9	7	..	2	4	...	...	2	.	40
	Moulmein Judge's Court	28	1	...	...	1	2	1	3	7	6	4	17	30	100
	Moulmein Small Cause Side.	1,297	174	41	89	432	159	31	102	63	...	...	..	155	2,543
	Total ..	2,820	696	163	820	1,325	557	194	551	333	145	8	118	508	8,328
	Grand Total ...	6,805	3,539	398	2,139	5,018	1,539	690	3,001	3,182	1,036	35	622	2,040	30,024
	In 1883 ...	5,845	3,907	289	2,249	4,507	1,347	709	2,979	3,435	989	64	701	1,710	28,831
	Increase ...	960	...	109	...	511	192	...	22	...	97	...	...	330	1,193
	Decrease ...	...	368	...	110	...	...	79	...	253	...	29	109	...	...

The decrease in suits classed under the head "Money had and received" is probably due to the increase of the number of suits on written obligation. Most of the District Officers have noticed with satisfaction the tendency, which they think is growing, of the substitution of written for unwritten contracts. Matrimonial suits are generally on the decline. Some officers have suggested that there is an increasing tendency to refer disputes of this kind to private arbitration. The figures are not inconsistent with this theory.

7. The attention of Commissioners and District Officers appears to have been given to increased care in the classification of suits, although there is still room for improvement. The residuum of 415 cases, which are reported incapable of allotment under any of the 36 heads of Judicial Statement No. 7 annexed to this report, is very high, out of a total of 30,024 cases. It is suggested that the translation of the headings of the forms is inaccurate. The matter is under consideration, and I hope, by the issue of dotailed instructions in the vernacular, to make the headings better understood by the inferior Courts and by their clerks.

8. The table below shows the value of original suits :—

Division.	Name of district.	Number of Suits disposed of valued at not exceeding— Rs. 5.	Rs. 20.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 5,000.	Rs. 10,000.	Rs. 1,00,000.	Above Rs. 1,00,000.	Number of suits the value of which cannot be estimated in money.	Total value of suits Rs. A. P.
Arakan.	Akyab	130	282	669	365	88	23	1	..	..	24	1,80,158 8 10
	Akyab Small Cause Court.	101	116	218	..	..	..	..	..	..	..	15,937 10 8
	Kyaukpyu ..	112	268	193	79	2	1	..	..	..	23	33,259 4 8
	Sandoway ..	65	108	93	15	..	..	..	..	..	5	8,436 13 2
	Total ..	408	774	1,173	459	40	24	1	..	..	52	2,37,787 4 11
Pegu.	Hanthawaddy ..	62	325	482	196	4	13	1	..	..	16	1,12,555 7 5
	Pegu	82	237	992	582	47	46	1	..	..	16	3,16,617 12 8
	Tharrawaddy ..	119	397	867	224	14	1	..	..	..	78	1,13,735 4 4
	Tharrawaddy Small Cause Court.	40	169	148	..	..	..	..	..	..	..	7,304 2 8
	Prome	161	581	788	320	21	8	..	..	..	33	1,34,919 7 11
	Prome Small Cause Court.	24	113	179	..	..	..	..	..	..	..	11,041 9 3
	Judicial Commissioner, British Burma.	..	..	..	..	..	..	..	..	..	..	....
	Total ..	438	1,822	3,456	1,322	86	68	2	..	..	143	6,96,173 12 3
Irrawaddy.	Henzada	103	398	1,009	278	11	9	1	..	..	89	1,45,149 15 11
	Henzada Small Cause Court.	44	177	314	78	..	..	..	..	..	..	28,890 10 10
	Bassein	231	1,180	1,276	535	28	14	..	1	..	114	2,44,512 10 8
	Bassein Small Cause Court.	54	205	122	..	..	..	..	..	..	..	9,204 13 9
	Thôngwa ..	245	888	1,858	562	18	8	1	..	..	61	2,41,490 9 7
	Thayetmyo ..	232	499	808	130	6	7	..	..	..	40	77,058 6 3
	Thayetmyo Small Cause Court.	63	82	21	9	..	..	..	..	..	..	5,292 7 3
	Total ..	972	3,429	4,908	1,592	63	38	2	1	..	304	7,51,659 10 3
Tenasserim.	Amherst ..	73	391	788	279	19	14	..	..	..	19	1,52 400 9 10
	Shwegyin ..	106	320	682	284	23	8	..	..	..	32	1,26,978 3 4
	Shwegyin Small Cause Court.	32	97	87	..	..	..	..	..	..	..	4,329 1 10
	Toungoo ..	66	248	356	157	16	8	..	..	..	62	79,359 10 9
	Toungoo Small Cause Court.	40	130	219	36	..	..	..	..	..	..	19,651 12 5
	Tavoy ..	40	143	220	59	5	2	..	..	..	..	32,301 15 5
	Mergui ..	52	138	245	88	2	..	..	..	..	13	28,910 0 11
	Salween ..	..	6	13	15	2	1	..	1	..	..	17,932 15 0
	Moulmein Judge's Court	..	1	5	17	9	45	3	5	..	20	2,13,604 6 0
	Moulmein Small Cause Side.	75	706	1,160	503	76	..	..	..	..	..	2,18,158 11 0
	Total ..	484	2,180	3,775	1,488	152	78	3	6	..	146	8,93,627 7 0
	Grand Total ..	2,302	8,205	13,312	4,811	341	208	8	7	..	645	25,79,248 2 5
	In 1888 ..	2,282	7,720	12,916	4,660	302	179	15	7	2	655	29,26,267 12 5
	Increase ..	20	485	396	151	39	29	..	..	..	..	..
	Decrease ..	.	..	..	..	..	..	7	..	2	10	3,47,019 10 0

Nearly 80 per cent. of the suits were valued at not exceeding Rs. 100. The decrease in the total value of suits, as compared with 1883, of Rs. 3,47,020 is due to a considerable falling-off in the Court of the Judge of Moulmein, where the institutions were—

	Rs.
In 1883	6,49,668
In 1884	2,13,604
Decrease ...	4,36,064

Elsewhere the figures are about the same as in 1883.

9. The manner in which the litigation was disposed of in the several Courts is shown below :—

Division.	Name of district	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default	Withdrawn with leave.	Compromised	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	Contested cases. Judgment for plaintiff in whole or in part.	Contested cases. Judgment for defendant.	Total disposed of.	Pending.	Referred to arbitration.
Arakan	Akyab	1,591	8	2	255	35	189	272	279	5	322	163	1,532	59	2
	Akyab Small Cause Court	440	7		70	6	23	53	109	.	124	43	425	5	...
	Kyaukpyu ..	668	1	1	85	16	110	96	52		215	102	678	10	..
	Sandoway ...	293	...	1	48	1	40	54	21	2	77	42	286	7	..
	Total ...	3,012	16	4	458	58	362	475	461	7	738	350	2,991	81	2
Pegu.	Hanthawaddy	1,154	...	4	313	3	171	109	164	...	259	76	1,099	55	...
	Pegu	2,061	...	11	638	14	113	389	239	7	395	138	1,954	108	9
	Tharrawaddy	1,789	4	2	451	14	133	178	168	9	482	250	1,700	80	3
	Tharrawaddy Small Cause Court.	357		...	102	7	17	35	30	..	109	57	357	...	..
	Prome	1,964	4	1	472	25	76	232	210	14	585	282	1,912	52	2
	Prome Small Cause Court	319	9	..	91	3	1	95	43	...	45	29	316	3	..
	Judicial Commissioner, British Burma.		...			.	.	.	...	.	..			.	...
	Total ..	7,644	17	18	2,067	66	511	1,038	863	30	1,875	838	7,337	307	14
Irrawaddy.	Henzada . ..	1,931	3	3	418	37	101	199	105	12	701	373	1,606	38	6
	Henzada Small Cause Court	624	..	..	150	1	28	124	120	..	142	48	613	11	...
	Bassein ...	3,428	8	17	934	23	204	420	447	5	852	468	3,370	49	1
	Bassein Small Cause Court	382	...		60	5	22	72	37	1	155	29	381	1	...
	Thingwa .	3,730		14	1,254	43	165	433	477	4	829	411	3,641	89	11
	Thayetmyo	1,976	7	111	130	2	172	220	114	13	305	143	1,222	54	5
	Thayetmyo Small Cause Court.	181	...	.	11	..	5	105	42	.	2	10	175	6	...
	Total	11,552	18	145	2,957	111	697	1,513	1,342	35	2,986	1,482	11,309	243	23
Tenasserim.	Amherst	1,616	8	1	238	33	88	261	313	82	365	192	1,583	38	2
	Shwegyin	1,570	22	2	206	31	162	330	192	5	320	170	1,455	115	9
	Shwegyin Small Cause Court	218	...	...	28	3	12	49	44	...	65	15	216	2	..
	Toungoo	935	...	...	109	18	50	210	86	3	326	115	914	22	..
	Toungoo Small Cause Court	432	1		64	4	18	115	60		124	30	425	7	..
	Tavoy . . .	482	..	..	78	10	10	92	24	9	171	75	469	13	...
	Mergui ...	551			43	13	2	268	71		126	45	538	13	...
	Salween	40	..	1	...	5	3	1	2	...	20	6	38	2	.
	Moulmein Judge's Court .	122	1	2	2	5	9	4	22	...	42	17	105	17	1
	Moulmein Small Cause Side	2,633	4	56	739	30	110	132	1,007	8	596	230	2,520	113	4
	Total ..	8,599	36	62	1,161	152	473	1,432	1,763	102	2,161	904	8,262	337	16
	Grand Total ...	30,807	87	229	6,643	387	2,043	4,458	4,429	174	7,760	3,574	29,530	968	55
	In 1883 .	29,520	57	102	6,092	522	1,905	4,101	3,770	140	7,794	3,587	28,787	783	67

Of the whole number of suits instituted over 21 per cent. were dismissed for default, and over 14 per cent. were decreed *ex-parte*.

There seems to be good reason for believing that a very large number of claims are settled out of Court as soon as process is taken out by the plaintiff, who then often allows the case to go by default. Colonel Sladen, the Commissioner of the Arakan Division, an officer of over 30 years' service in the province, says :

"In a number of instances the Civil Courts are used as settlement offices, to which plaintiffs have recourse under a sort of tacit agreement with their debtors, who only hold out until the machinery of the law has been put into operation. A little time is gained, but as soon as a suit is instituted, the parties arrive at a settlement, and in the generality of such cases there is no contest."

Colonel Street, the Commissioner of the Pegu Division, an officer of great experience in Burma, says:

"The number of uncontested suits is extraordinarily high, but it, no doubt, is the case that many people resort to the Court with the view of bringing pressure to bear on their debtors, and so come to some arrangement out of Court."

Similar language is used by the Commissioners of the Irrawaddy and Tenasserim Divisions, and I gather, from the district reports, that this view is shared by most of the Judicial Officers of the province.

10. One of the points to which Inspecting Officers evidently pay attention is the ascertainment of the fact of service of summons by Judicial Officers, and this matter is generally noticed in the divisional and district reports. There appear to be good grounds for the belief that Judicial Officers in this province are generally alive to the importance of strict compliance with the law in this particular.

11. The average duration of suits in Courts of original jurisdiction was as follows:—

Division.	Name of district.	Average duration of Suits.			
		For previous year.		*For year of report.*	
		Contested.	Uncontested.	Contested.	Uncontested.
Arakan.	Akyab	31	15	23	17
	Akyab Small Cause Court	10	18	10	8
	Kyaukpyu	17	6	12	8
	Sandoway	21	27	27	13
	Total ...	20	15	18	14
Pegu.	Hanthawaddy	51	18	35	17
	Pegu	32	15	31	18
	Tharrawaddy	23	16	14	6
	Tharrawaddy Small Cause Court	5	4	7	4
	Prome	20	19	21	16
	Prome Small Cause Court	8	2	10	11
	Judicial Commissioner, British Burma	40	137	...	...
	Total ...	25	30	22	14
Irrawaddy.	Henzada	12	9	12	9
	Henzada Small Cause Court	4	2	6	6
	Bassein	31	21	18	11
	Bassein Small Cause Court	5	5	4	4
	Thôngwa	25	9	20	13
	Thayetmyo	15	12	15	12
	Thayetmyo Small Cause Court	9	6	13	11
	Total ...	14	9	16	11
Tenasserim.	Amherst	17	8	16	10
	Shwegyin	30	17	35	9
	Shwegyin Small Cause Court	12	12	11	11
	Taungoo	19	7	13	18
	Taungoo Small Cause Court	15	6	9	10
	Tavoy	13	7	17	9
	Mergui	12	4	9	2
	Salween	41	8	12	13
	Moulmein Judge's Court	128	20	76	15
	Moulmein Small Cause Side...	19	12	23	16
	Total ...	31	10	21	12
	Grand Total ...	23	14	19	12

There is a satisfactory improvement, throughout the province, in the more speedy disposal of suits. The average is highest, as might be expected from the nature of the suits pending, in the Court of the District Judge of Moulmein; but

in that Court there is a very marked improvement as compared with the figures for 1883.

Mr. Macleod, the Judge of Moulmein, says :

"From an unusually low figure in 1883 the number of suits filed during the year rose to 2,652, showing an increase of 445 suits, in which both sides of the Court shared. This increase occurring with a large increase of criminal work, gave the Court a large amount of business to get through during the year. There was nevertheless a very small increase in the number of suits which remained pending at the close of the year, and even this was due to the large quantity filed towards the close of the sittings, for no suits which were ripe for hearing remained undisposed of."

In the Small Cause Courts in the Lower Provinces, in which Courts suits are tried with greater expedition than in any other class of Court in the province, the average of duration in 1883, in contested cases, was one month and two days, and in uncontested cases, 22 days.

12. The following table shows the number of applications for execution and the degree in which the applications were satisfied :—

Division.	Name of district.	Number of applications for execution, including those pending from last year.	Decrees completely executed.	Decrees partially executed.	Pending at close of year.
Arakan.	Akyab	557	178	101	54
	Akyab Small Cause Court	159	50	10	1
	Kyaukpyu	138	92	25	8
	Sandoway	41	22	5	1
	Total	895	342	141	64
Pegu.	Hanthawaddy	272	68	48	42
	Pegu	576	144	118	81
	Tharrawaddy	319	194	45	13
	Tharrawaddy Small Cause Court	27	25	...	2
	Prome	352	174	72	23
	Prome Small Cause Court	51	31	8	1
	Judicial Commissioner, British Burma	...	...	...	...
	Total	1,597	636	291	162
Irrawaddy.	Henzada	301	119	79	9
	Henzada Small Cause Court	129	38	41	21
	Bassein	768	269	126	35
	Bassein Small Cause Court	72	20	7	1
	Thôngwa	729	254	75	37
	Thayetmyo	198	68	48	23
	Thayetmyo Small Cause Court	47	16	27	...
	Total	2,244	784	403	126
Tenasserim.	Amherst	575	297	103	41
	Shwegyin	459	230	88	23
	Shwegyin Small Cause Court	40	35	...	2
	Taungoo	262	104	54	25
	Taungoo Small Cause Court	91	42	11	...
	Tavoy	111	80	21	1
	Mergui	145	42	54	3
	Salween	14	4	5	4
	Moulmein Judge's Court	118	20	26	16
	Moulmein Small Cause Side	1,042	146	253	59
	Total	2,857	1,000	610	174
	Grand Total	7,593	*2,762	1,445	526
	In 1883	7,015	2,678	1,385	406

The results are about the same as in 1883. The Courts here meet with a greater measure of success in executing decrees than the Mofussil Courts in the

Lower Provinces. There, in 1883, 53 per cent. of the applications dealt with were wholly infructuous (161,159 out of 303,177). In this province only 40 per cent. of the proceedings wholly failed, if indeed there was a complete failure, for I find a very general belief prevails amongst District Officers that decrees are largely settled out of Court without any report of the fact of settlement to the Court. The proceedings in execution were well attended to in the Courts, for, in the whole province, there were but 13 execution cases pending more than three months at the end of the year.

13. In the year 1882 the local Government had under its consideration the question of adopting some means for protecting a timid and ignorant race of people, known as the Karens, who, it was believed, had long been subject to serious oppression at the hands of their Burmese neighbours, and, in October of that year, the opinion of this Court was asked as to the propriety of issuing a declaration under section 320, Act XIV of 1882.

After some correspondence with this Office the Government of India was moved by the Chief Commissioner to sanction the issue of a notification under section 320, Code of Civil Procedure. This proposal was sanctioned by the Government of India in its Home Department No. 239, dated the 17th February 1883. Two townships, named Kangyidaung and Thigwin, in the district of Bassein, in the Irrawaddy division, were selected, as these townships are largely inhabited by the class of persons whom it was desired to protect.

The following rules were issued by the Chief Commissioner :—

"*Notification No. 60, dated the 7th March 1883.*—Under the provisions of section 320 of the Civil Procedure Code, the Chief Commissioner, with the sanction of the Governor-General in Council, declares that, within the limits of the Kangyidaung and Thigwin townships of the Bassein district, the execution of decrees in cases in which a Court has ordered any immovable property to be sold, and in which the defendant, or one of the defendants, is a Karen, shall be transferred to the Collector.

"*Notification No. 16, dated the 23rd January 1884.*—Under the provisions of section 320 of the Code of Civil Procedure, the Chief Commissioner prescribes the following rules for the transmission of decrees from the Court to the Collector and for regulating the procedure of the Collector and his subordinates in executing the same in cases where, under the said section, the execution of the decree has been transferred to the Collector :—

"I.—The Court, on receiving an application for the execution by the sale of immovable property of a decree of the class of which the execution has been transferred to the Collector, shall forthwith transmit a copy of the application, with the decree and a statement of the amount due from the judgment-debtor, in Form A to the Deputy Commissioner of the district in which such property is situated, requesting him to execute the decree.

"II.—On receipt of any such requisition the Deputy Commissioner shall—

"(1) register the case in Form B;

"(2) cause a careful valuation to be made of the property showing—

"(*a*) the gross assets;

"(*b*) the yearly charges;

"(*c*) the net profits after deducting cost of cultivation and Government revenue;

"(*d*) any probable increase of assets obtainable by good management, extension of cultivation, or other means.

"III.—If the decree be a decree ordering the sale of immovable property in pursuance of a contract specifically affecting the same and the Deputy Commissioner, in the exercise of the powers conferred upon him by section 321 of the Code of Civil Procedure, decide to sell the property, or any part of it, he shall proceed under the following rules :—

"(i) He shall issue a proclamation in Burmese and in the mother-tongue of the judgment-debtor specifying—

"(*a*) the area, boundaries, and description of the property to be sold, as well as the time and place of sale;

"(*b*) the revenue and cesses assessed upon the property;

"(*c*) the incumbrances upon it, so far as they may be within his knowledge;

"(*d*) the amount for the recovery of which the sale is ordered;

"(*e*) the lots in which it is proposed to sell it;

"(*f*) the upset price;

"(*g*) any other particulars which he considers it material that the purchaser should know in order to judge of the nature and value of the property.

"Such proclamation shall be made at the headquarters of the district and at the headquarters of the township in which the property is situated, and also in the village, or in the case of field-land in the nearest village to the kwin in which the property is situated.

"(ii) A copy of the said proclamation shall be posted up in some conspicuous place in the office of the Deputy Commissioner, another shall be posted up in some conspicuous place in the Court of the township in which the land is situated, a third shall be forwarded to the circle thugyi, and a fourth shall be transmitted, in the manner provided for service of summons, to the judgment-debtor.

"(iii) The sale shall be conducted by the Deputy Commissioner in person, or by an Assistant Commissioner, Extra Assistant Commissioner, or Myoòk appointed by him for the purpose.

"(iv) No sale shall take place on any authorized holiday, or until the expiry of at least 30 days from the date on which the said proclamation shall have been published in the manner aforesaid, or until noon of the day fixed for the sale, or after dark.

"(v) The officer conducting the sale shall be guided by the provisions of section 325 of the Code of Civil Procedure as to the conduct of sales.

"(vi) Sections 291 (last clause), 292, 293, 294, 306, 307, 308, 309, 310, 311, 312, 313, 315, 316, 317, 318, and 319 of the Code of Civil Procedure shall apply (so far as may be) to all sales made under these rules, the word 'Court' in the said sections being taken to mean 'Deputy Commissioner.'

"(vii) If no application to set aside a sale be made within the period prescribed by law in that behalf, or if such application be made and the objection be disallowed, the sale shall be confirmed subject to the sanction of the Commissioner.

"IV.—If the decree be not a decree ordering the sale of immovable property in pursuance of a contract specifically affecting the same, the Deputy Commissioner shall call upon the judgment-debtor to show that proceedings under section 322 afford a reasonable prospect of saving the property from sale; and if the Deputy Commissioner see reason to believe that all the liabilities of the judgment-debtor can be discharged without a sale of the whole of his available immovable property, he shall proceed under sections 322A and 322B or 322C.

"V.—If after determining the amount to be recovered and the property available the Deputy Commissioner shall be of opinion that it is necessary to sell the whole or any part of the property, he shall report the circumstances of the case for the orders of the Commissioner of the division.

"VI.—If the Commissioner of the division sanction the sale, the Deputy Commissioner shall proceed as directed in Rule III above.

"FORM A.

"No. OF SUIT.

"*In the Court of*

at

Decree-holder.

Judgment-debtor.

"*Amount of decree.*

"To

THE COLLECTOR OF

"WHEREAS in execution of decree in the abovementioned case sale of the immovable property noted below has been this day ordered by this Court under section 304, Code of Civil Procedure (in accordance with a decree directing the sale of the property in pursuance of a contract specifically affecting the same), the proceedings in the case are transmitted to you under section 320 of the said Code and Notification No. , dated the

"The amount due on the decree up to this date, including interest and costs, is Rs. , interest at , till the date of payment is provided for by the decree.

Judge.

FORM B.

Serial number.	Date.	Decree-holder.			Judgment-debtor.			Property ordered to be sold.				Decree.			Procedure adopted by Collector.		Amount realized with date of realization.	Final order returning decree to Collector.		Remarks.
		Name.	Description.	Place of abode.	Name.	Description.	Place of abode.	Nature of interest.	Village.	Total area.	Amount of revenue and cess.	Date.	Amount due on	Immovable property directed to be sold by decree in pursuance of a contract specifically affecting the same.	Nature.	Section of Code.		Date.	Substance.	

"*Notification No. 17, dated the 23rd January 1884.*—With reference to the rules published under this Department Notification No. 16, dated the 23rd January 1884, and under the provisions of section 323 of the Code of Civil Procedure, the Chief Commissioner makes the following rules for the guidance of the Collector when proceeding under paragraphs (2), (3), and (4) of the said section.

"I.—If the Deputy Commissioner proceed under paragraphs 2, 3, and 4 of section 323 of the Code of Civil Procedure, he shall be guided by the following rules :—

"(*a*) He shall first of all endeavour to raise the money for the discharge of the decree by giving a mortgage, either usufructuary or simple, of the whole or part of the property to some person of the same family or nationality as the judgment-debtor.

"(*b*) If no mortgage can be effected, he shall invite tenders for the lease or farm of the property, fixing an upset rent and appointing a date after which no tenders will be received.

"(*c*) If he proceeds under clause (*b*) of this rule the Deputy Commissioner shall not be bound to accept the highest or any other tender; and in deciding which tender to accept he shall ordinarily give preference to tenders in the following order :—

(1) tenders by a relative or family connection of the judgment-debtor;
(2) tenders by a person of the same nationality as the judgment-debtor;
(3) tenders by the judgment-creditor.

"(*d*) If a lease is given to the judgment-creditor, it shall be given only on the condition that the acceptance of the lease shall be deemed to be a full satisfaction of the decree.

"(*e*) If the Deputy Commissioner should decide that the amount of the judgment-debt shall be paid as a premium for the lease, the applicant shall be required to pay down 25 per cent. of that sum with his tender and the remainder on acceptance of the tender. In default of payment of this balance, the lease shall be cancelled and the deposit shall be liable to forfeiture.

"(*f*) If the debt is to be recovered by instalments from the rent payable by the lessee, due security must be taken to the amount of at least one year's rent, or the rent may be levied each year in advance.

"(*g*) In making mortgages or leases under these rules, due consideration shall be given to the permanent interests of the estate and the tenantry and to the conservation of timber and other forest produce; and all conditions necessary for the attainment of the above objects shall be inserted in the mortgage or in the lease, as the case may be.

"(*h*) If no offers are obtainable for the farm or mortgage of the estate, the Deputy Commissioner may arrange to manage it himself.

"II.—When the Deputy Commissioner shall have matured his proposals under Rule I, he shall submit them to the Commissioner of the division, and the Commissioner may—

"(1) sanction,
"(2) modify, or
"(3) remand them for further consideration, as he shall think fit.

"III.—If the whole of the judgment-debt be recovered in one sum by the mortgage, lease, or other proceedings under section 323, the Deputy Commissioner shall at once render an account to the Court and ask for instructions as to the disposal of the balance.

"In all other cases the Deputy Commissioner shall render accounts on the 15th May of each year and shall take the Court's orders for the disposal of the income."

These arrangements have now been in force for one year, and the Deputy Commissioner reports on the working of the rules for 1884 as follows :—

"*Thigwin township.*—There were five successful cases instituted, in which the decree-holder was a Burman and defendant was a Karen, and in two of these execution was applied for against the immovable property of the judgment-debtor. The applications were transmitted to the Collector, but in both cases the parties compromised out of Court before any action was taken.

"*Kangyidaung.*—There were four cases in which Burmans obtained decrees against Karens, but in only two was any execution sued for against immovable property. The judgment-debtors in both these cases were the same, and the application has not as yet been disposed of, the cases having been under reference and appeal.

"2. It will be seen thus that so far the change has not met with any large results. From a recent examination which I have made of the registers of subordinate Courts, I have ascertained (1) that loans and advances to agriculturists are almost invariably embodied in a document; (2) that these documents are generally acted upon without the Court's intervention, and when brought before the Court, are not contested, however exorbitant and oppressive.

"Registration too has hitherto served almost exclusively as a handy instrument for unscrupulous moneylenders, whose victims regard the ceremonial as altogether depriving them of any right of self-defence.

"The best remedy that I look for is in such measures as the following, which I have already endeavoured to establish throughout the district:—

"(1) A liberal interpretation of section 210 as regards payment of decrees and section 266 as regards property liable to attachment by all Courts in favour of judgment-debtors.

"(2) A refusal, on the revenue side, to recognize any alteration in the register of landholders unless properly authenticated.

"(3) A more general recourse on the part of indebted agriculturists to the Court's protection. Township Officers, and specially thugyis, have been earnestly charged to persuade the people that the Courts will give them aid as above described, protect certain of their property from seizure, prescribe moderate interest, reasonable instalments, and allow them ample time to pay off their debts. Till this is generally recognized, and not till then, the present system of fraud and rapacity must inevitably continue."

14. It was hardly to be expected that any large results would immediately follow the introduction of this system; and I think it is fair to say that the rules are likely to operate as much as preventives as active remedies of the evils which they are designed to meet. This question, the application of the doctrine of constructive fraud, is one of the most difficult duties which a Judicial Officer is called upon to discharge. In cases when the parties are of the class, and their contract is of the kind, in which these rules are intended to apply, the Courts may fairly ask the plaintiff to show that the defendant was dealing with him at arm's length, that there was no relation between them of which plaintiff had taken advantage, no misleading either by active misrepresentation, or by suppression of facts which ought to have been laid before the defendant, that the defendant was acting in the exercise of his own discretion, acquainted with his rights, appreciating all the terms, and free to take or leave. These are the conditions which the Courts in India impose upon moneylenders and others who seek the Court's assistance in enforcing the contracts which they have entered into with *purda nishin* ladies, and here, in Burma, the Courts would, and probably do, ask to be satisfied on these points in suits by moneylenders against ignorant hill-people. But I think the Court's duty ends here. Unless the terms of the agreement are so absolutely shocking as to raise a violent presumption of fraud, it seems impossible for the Courts to extricate defendants from difficulties which they have created for themselves with their eyes open. And I think that if the conviction prevailed that, even after the plaintiff had cleared the surroundings of a contract in respect of the points set out above, Courts were commonly disposed to open contracts deliberately entered into, because the price was low, or because the interest was high, or because the terms were generally unfavourable to the defendant, the action of the Courts would greatly exaggerate the evil which they attempted to cure, and even render it impossible for those whom they sought to protect to raise money at all. The Courts are vested, under the Procedure Code, with wide discretionary powers in the matter of interest in the interval between the filing of the plaint and the passing of the decree, and also after the decree, to the time of its satisfaction. Further, the Courts have very wide powers as to costs, and in the control of the manner of execution. When cases of this kind come before me I will take an early opportunity of setting out what I conceive to be the responsibilities and the powers of Civil Courts in dealing with this class of suit.

15. Processes of execution were issued as follows :—

Division.	Name of district.	Mode of execution.						Orders under section 243, Civil Procedure Code.
		Delivery of possession.	Imprisonment of person.	*Movable property.*		*Immovable property.*		
				Attached.	Sold.	Attached.	Sold.	
Arakan.	Akyab	8	55	128	54	85	50	1
	Akyab Small Cause Court	...	89	8	5	...	...	...
	Kyaukpyu	14	6	58	17	22	7	...
	Sandoway	...	1	8	3	9	4	...
	Total	22	101	197	79	116	61	1
Pegu.	Hanthawaddy	25	11	76	39	78	37	...
	Pegu	11	65	247	50	81	24	...
	Tharrawaddy	14	19	120	37	88	36	2
	Tharrawaddy Small Cause Court	...	...	2	2	...	...	...
	Prome	4	7	78	27	134	54	1
	Prome Small Cause Court	...	8	22	12	...	...	...
	Judicial Commissioner, British Burma	...	...	...	...	...	...	...
	Total	54	105	540	167	381	151	3
Irrawaddy.	Henzada	26	15	148	85	114	85	...
	Henzada Small Cause Court	22	8	82	6	20	9	...
	Bassein	12	32	271	75	109	80	...
	Bassein Small Cause Court	...	4	7	3	...	...	...
	Thôngwa	27	37	272	59	159	51	...
	Thayetmyo	12	11	61	23	50	23	...
	Thayetmyo Small Cause Court	...	10	7	1	...	...	...
	Total	99	117	798	202	452	148	...
Tenasserim.	Amherst	48	22	156	46	70	32	5
	Shwegyin	6	15	77	29	56	22	...
	Shwegyin Small Cause Court	...	2	5	...	...	...	...
	Toungoo	5	9	112	19	68	32	...
	Toungoo Small Cause Court	...	47	54	3	...	...	...
	Tavoy	7	8	17	4	32	10	...
	Mergui	5	15	45	16	31	11	3
	Salween	1	1	5	...	1	...	...
	Moulmein Judge's Court	1	4	10	4	16	12	...
	Moulmein Small Cause Side	...	41	106	34	...	...	...
	Total	68	164	587	155	274	119	8
	Grand Total	243	487	2,117	603	1,223	479	12
	In 1883	257	456	1,978	666	1,280	446	17

There were 31 more arrests in execution in 1884 than in 1883, the figures for the last three years being in—

1882	...	...	...	368 arrests.
1883	...	...	...	456 do.
1884	...	...	...	487 do.

The increase is most marked in the districts of Akyab, Pegu, Bassein, and Tavoy. There is a decrease in Henzada.

It is difficult to explain these differences satisfactorily. The Commissioner of Pegu thinks that process of arrest is most commonly resorted to where the defendant is a Native of India, without settled domicile in Burma. This theory finds favour with other officers.

In the Lower Provinces the number of arrests in execution have been steadily rising. I believe decreeholders find it a very ready way of getting in small decretal amounts. If movable or immovable properties are attached, there is

the risk of claims being put in, with the chance of being cast in costs, or perhaps even in damages, and there is the certainty of delay, as there must be a considerable interval before the sale, and afterwards, until the sale is confirmed, especially in the case of immovable property. By the capture of the debtor's person funds are reached which it is quite out of the power of the decreeholder otherwise to touch.

16. The following table shows the number of persons who applied to be declared insolvent:—

Division.	Name of district.	Number of persons who applied to be declared insolvent.	Number of applications granted.	Number dismissed or rejected.	Total disposed of.	Pending.	Remarks.
Arakan.	Akyab	16	5	9	14	2	
	Kyaukpyu	1	...	...	1	...	1 withdrawn.
	Sandoway	1	...	1	1	...	
	Total ...	18	5	10	16	2	1 withdrawn.
Pegu.	Hanthawaddy	4	...	4	4	...	
	Pegu	8	2	...	8	...	1 withdrawn.
	Tharrawaddy	5	2	3	5	...	
	Prome	3	1	2	3	...	
	Total ...	15	5	9	15	...	1 withdrawn.
Irrawaddy.	Henzada	12	8	3	11	1	
	Bassein	23	14	8	23	...	1 withdrawn.
	Thôngwa	16	6	4	16	...	6 withdrawn.
	Thayetmyo	2	...	2	2	...	
	Total ...	53	28	17	52	1	7 withdrawn.
Tenasserim.	Amherst	5	1	2	3	2	
	Shwegyin...	14	9	4	13	1	
	Toungoo	16	12	...	13	3	1 withdrawn.
	Tavoy	1	1	...	1	...	
	Mergui	11	11	...	11	...	
	Salween	...	...	...	...	...	
	Moulmein	29	13	3	26	3	10 withdrawn.
	Total ...	76	47	9	67	9	11 withdrawn.
	Grand Total ...	162	85	45	150	12	20 withdrawn.

There is a falling-off of 33 applications in the year. There seems to be very little resort to this form of relief. Probably, as arrests get more frequent and the provisions of section 344, Code of Civil Procedure, become generally known, the number of applications will increase.

Appellate Jurisdiction.

17. The following table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the Subordinate Courts and the number in which the decrees appealed against were upheld :—

Division.	Name of district.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	77	41	4	28
	Kyaukpyu	54	32	3	9
	Sandoway	41	17	7	13
	Total ...	172	90	14	45
Pegu.	Hanthawaddy	42	15	2	21
	Pegu	67	30	5	17
	Tharrawaddy	116	82	4	15
	Prome	102	60	7	30
	Total ...	327	187	18	83
Irra-waddy.	Henzada	155	103	16	29
	Bassein	192	123	12	41
	Thôngwa	146	76	27	36
	Thayetmyo	71	39	6	22
	Total ...	564	341	61	128
Tenasserim.	Amherst	95	49	2	29
	Shwegyin	119	65	13	27
	Toungoo	66	38	4	19
	Tavoy	82	43	9	22
	Mergui	42	26	2	12
	Salween	3	3	...	...
	Total ...	407	224	30	109
	Grand Total ...	1,470	842	123	365

18. The following table shows the work of the Appellate Courts :—

Division.	Class of Appellate Court and name of presiding Judge.	Number of appeals on the files, including those pending from last year and received by transfer.	Number transferred or dismissed for default.	Number confirmed.	Number reversed or modified.	Number remanded for re-decision by Lower Court.	Number left pending: For more than four months.	Number left pending: Total pending.	Average duration of appeals.
Arakan.	Mr. T. C. Mitchell, Officiating Deputy Commissioner of Akyab. Captain C. H. E. Adamson, Deputy Commissioner of Akyab. Lieutenant-Colonel H. R. Spearman, Deputy Commissioner of Akyab.	77	3	41	27	1	..	5	24
	Lieutenant-Colonel W. G. Hughes, Deputy Commissioner of Kyaukpyu.	10	1	7	2	..	..	..	6
	Captain W. F. H. Grey, Deputy Commissioner of Kyaukpyu.	44	..	25	10	3	..	6	13
	Mr. A. R. Birks, Deputy Commissioner of Sandoway. Captain C. A. Cresswell, Deputy Commissioner of Sandoway.	41	..	17	20	..	..	4	18
	Colonel E. B. Sladen, Commissioner of Arakan ..	1	..	..	1	..	..	..	13
	Total ..	173	4	90	60	4	..	15	18
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthawaddy. Captain F. D. Raikes, Deputy Commissioner of Hanthawaddy.	42	1	15	23	1	..	2	32
	Mr. W. deCourcy Ireland, Deputy Commissioner of Pegu.	67	1	30	22	3	..	11	73
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy.	116	4	82	19	2	..	9	17
	Major G. Alexander, Deputy Commissioner of Prome.	102	..	60	37	2	..	3	51
	Colonel C. W. Street, Commissioner of Pegu ..	2	..	1	1	..	..	..	101
	Total ..	329	6	188	102	8	..	25	41
Irrawaddy.	Captain J. Butler, Deputy Commissioner of Henzada Mr. H. Buckle, Deputy Commissioner of Henzada..	155	..	103	45	3	..	4	44
	Mr. W. T. Hall, Assistant Commissioner of Bassein	19	..	16	3	..	..	..	14
	Mr. A. M. B. Irwin, Assistant Commissioner of Bassein.	25	..	10	9	..	..	6	13
	Mr. H. L. St. Barbe, Deputy Commissioner of Bassein.	148	..	97	41	..	..	10	21
	Mr. F. S. Copleston, Deputy Commissioner of Thôngwa.	146	..	76	63	1	..	6	18
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo.	71	..	39	28	1	..	3	22
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy.	4	..	3	..	..	..	1	48
	Total ..	568	..	344	189	5	..	30	26
Tenasserim.	Colonel W. W. Pemberton, Deputy Commissioner of Amherst.	95	1	49	31	7	..	7	26
	Mr. G. L. Weidemann, Deputy Commissioner of Shwegyin.	119	4	65	40	1	..	9	20
	Lieutenant-Colonel G. A. Strover, Deputy Commissioner of Toungoo. Captain T. M. Jenkins, Officiating Deputy Commissioner of Toungoo. Lieutenant-Colonel W. G. Hughes, Deputy Commissioner of Toungoo.	66	..	38	23	..	..	5	30
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy	32	..	13	31	..	..	8	11
	Mr. J. K. Macrae, Deputy Commissioner of Mergui	42	..	26	14	2	..	..	14
	Mr. J. C. Davis, Deputy Commissioner of Salween	3	..	3	..	..	..	..	15
	Lieutenant-Colonel W. C. Plant, Commissioner of Tenasserim. Mr. G. D. Burgess, Officiating Commissioner of Tenasserim.	2	..	2	..	..	..	..	68
	Total ..	409	5	226	139	10	..	29	21
	Grand Total ..	1,479	15	848	490	27	..	99	27
	In 1883 ..	1,617	18	924	553	42	1	80	29

The number of appeals has fallen by 138 cases although the number of decided cases has risen by 1,102 cases. Sixty-one per cent. were confirmed; 9 per

cent. were modified; 27 per cent. were reversed. Appellate files were fairly clear at the end of the year. The average of duration of the appeals decided is slightly lower than the average of last year. The delay in the Court of the Commissioner of Pegu is due to his frequent absence from headquarters and to applications for adjournment.

19. The following table shows the appeals preferred from the decrees of the Deputy Commissioners to Commissioners in original suits :—

Division.	Name of district.	Number of decrees passed by Deputy Commissioners in original cases.	Number of decrees confirmed by Commissioners on appeal.	Number of decrees modified.	Number of decrees reversed.
Arakan.	Akyab	10	...	...	1
	Kyaukpyu	...	...	...	...
	Sandoway	1	...	...	...
	Total ...	11	...	...	1
Pegu.	Hanthawaddy	6	...	1	...
	Pegu	2	...	...	...
	Tharrawaddy	1	1	...	...
	Prome	1	...	...	...
	Total ...	10	1	1	...
Irrawaddy.	Henzada	5	1	...	...
	Bassein	2	...	...	...
	Thôngwa	14	2	...	...
	Thayetmyo	...	...	...	...
	Total ...	21	3	...	...
Tenasserim.	Amherst	4	...	...	...
	Shwegyin	...	...	...	...
	Taungoo	2	...	...	...
	Tavoy	1	1	...	...
	Mergui	...	...	...	...
	Salween	3	1	...	...
	Total ...	10	2	...	...
	Grand Total ...	52	6	1	1
	In 1883 ...	77	5	...	5

20. The following table shows the financial result of the rules framed under section 20 of the Court Fees Act regulating the fees chargeable for serving processes and remuneration of peons of the Civil Courts :—

Division.	Name of district.	Number of processes issued.	Receipts from process fees.	Charges, including salaries of process servers, contingencies, &c.
			Rs. A. P.	Rs. A. P.
Arakan.	Akyab	8,250	7,844 0 0	7,787 13 0
	Kyaukpyu	2,656	2,209 0 0	2,184 0 0
	Sandoway	1,106	995 8 0	1,229 10 10
	Total ...	12,012	11,048 8 0	11,151 7 10
Pegu.	Hanthawaddy	8,266	8,129 0 0	3,652 14 6
	Pegu	8,169	6,305 0 0	4,384 9 0
	Tharrawaddy	6,603	6,671 0 0	5,097 7 4
	Prome	8,828	7,605 2 0	5,378 12 3
	Total ...	26,866	23,710 2 0	18,513 11 1
Irrawaddy.	Henzada	10,286	9,448 2 0	7,199 9 6
	Bassein	13,240	11,370 8 0	8,284 4 1
	Thôngwa	13,577	11,813 8 0	5,341 7 0
	Thayetmyo	4,393	4,041 5 0	2,271 5 0
	Total ...	41,496	36,673 7 0	23,096 9 7
Tenasserim.	Amherst	6,195	6,078 8 0	5,716 8 0
	Shwegyin	5,775	5,201 8 0	3,464 6 0
	Toungoo	4,963	4,874 0 0	3,066 12 0
	Tavoy	2,066	1,695 8 0	1,908 0 0
	Mergui	2,428	1,941 8 0	1,502 14 0
	Salween	185	156 8 0	148 0 0
	Moulmein	7,656	7,813 0 0	3,982 10 0
	Total ...	29,268	27,760 8 0	19,789 2 0
	Grand Total ...	109,642	99,192 9 0	72,550 14 6
	In 1883 ...	107,205	97,405 2 0	70,549 12 9

An attempt was made to procure sanction to spend some part of this surplus upon the improvement of the court-houses in the way of furniture and witness-sheds. The returns, however, came in so late that it was found impossible to address Government until a few days before the close of the financial year, when it would have been impossible to use the money.

21. The following table shows the number of regular appeals decided in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Appeals admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	Captain C. H. E. Adamson, Deputy Commissioner of Akyab.	4	1	...	2	...	...	4*	...
	Mr. T. C. Mitchell, Officiating Deputy Commissioner of Akyab.	1	1	...	...	...	...	1	...
	Lieutenant-Colonel H. R. Spearman, Deputy Commissioner of Akyab.	3	..	...	2	1	...	3	...
	Captain F. D. Raikes, Deputy Commissioner of Kyaukpyu.	2	1	...	1	...	...	2	...
	Colonel E. B. Sladen, Commissioner of Arakan ...	1	...	...	...	...	...	...	1
	Total ...	11	3	...	5	1	...	10	1
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthawaddy.	6	1	...	4	...	...	6*	...
	Captain F. D. Raikes, Deputy Commissioner of Hanthawaddy.	3	...	...	2	...	...	2	1
	Mr. W. deCourcy Ireland, Deputy Commissioner of Pegu.	6	...	...	5	...	...	5	1
	Lieutenant-Colonel W. C. Plant, Deputy Commissioner of Tharrawaddy.	1	1	...	...	...	...	1	...
	Mr. W. C. Midwinter, Deputy Commissioner of Tharrawaddy.	2	...	...	2	...	...	2	...
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy.	7	3	...	2	1	...	6	1
	Major G. Alexander, Deputy Commissioner of Prome.	19	4	...	10	...	1	15	4
	Colonel C. W. Street, Commissioner of Pegu ...	1	1	...	...	...	...	1	...
	Total ...	45	10	...	25	1	1	38	7
Irrawaddy.	Captain W. F. H. Grey, Officiating Deputy Commissioner of Henzada.	4	4	...	...	...	...	4	...
	Captain J. Butler, Deputy Commissioner of Henzada.	5	1	...	2	1	...	4	1
	Mr. H. L. St. Barbe, Deputy Commissioner of Bassein.	5	1	...	3	1	...	5	...
	Mr. W. T. Hall, Assistant Commissioner of Bassein.	1	...	...	1	...	...	1	...
	Mr. R. Phayre, Officiating Deputy Commissioner of Thôngwa.	9	3	1	4	1	...	9	...
	Mr. F. S. Copleston, Deputy Commissioner of Thôngwa.	17	2	...	9	...	...	11	6
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo.	6	2	...	3	1	...	6	...
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy.	3	...	...	3	...	...	3	...
	Total ...	50	13	1	25	4	..	43	7
Tenasserim.	Colonel G. E. Fryer, Officiating Deputy Commissioner of Amherst.	1	...	...	...	...	1	1	...
	Colonel W. W. Pemberton, Deputy Commissioner of Amherst.	4	1	...	2	...	...	3	1
	Mr. G. L. Weidemann, Deputy Commissioner of Shwegyin.	11	3	1	4	...	...	8	3
	Lieutenant-Colonel G. A. Strover, Deputy Commissioner of Toungoo.	4	2	...	2	...	...	4	...
	Captain T. M. Jenkins, Officiating Deputy Commissioner of Toungoo.	1	...	...	1	...	...	1	...
	Major W. G. Hughes, Deputy Commissioner of Toungoo.	6	...	...	3	...	...	3	3
	Mr. C. J. A. Duke, Deputy Commissioner of Tavoy	4	...	...	...	...	1	1	3
	Mr. J. K. Macrae, Deputy Commissioner of Mergui	2	...	...	...	1	...	1	1
	Total ...	33	6	1	12	1	2	22	11
	Grand Total ...	139	32	2	67	7	3	113	26
	In 1883 ...	162	32	5	94	3	...	134	28

*Two appeals transferred to the Special Court by order of the Chief Commissioner, British Burma.

22. The following table shows the miscellaneous appeals, *i.e.*, from decisions other than those passed in regular suits disposed of in the Court of the Judicial Commissioner :—

Division.	Name of Commissioner or Deputy Commissioner from whose decision appeal was made.	Decision reversed.	Decision modified.	Decision confirmed.	Remanded.	Total disposed of.	Pending.
Arakan.	*Nil.*						
Pegu.	Captain F. D. Raikes, Deputy Commissioner of Hanthawaddy.	...	...	1	...	1	...
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy.	...	...	1	...	1	1
	Major G. Alexander, Deputy Commissioner of Prome.	...	...	1	...	1	...
	Total ...	...	...	3	...	3	1
Irrawaddy.	Mr. F. S. Copleston, Deputy Commissioner of Thôngwa.	...	...	1	...	1	1
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy.	...	...	1	...	1	...
	Total ...	...	...	2	...	2	1
Tenasserim.	Colonel W. W. Pemberton, Deputy Commissioner of Amherst.	1	...	...	...	1	...
	Lieutenant-Colonel W. C. Plant, Commissioner of Tenasserim.	...	...	1	...	1	...
	Total ...	1	...	1	...	2	...
	Grand Total ...	1	...	6	...	7	2
	In 1883 ...	...	1	7	...	9*	...

* One dismissed for default.

23. The number and result of references to the Court of the Judicial Commissioner is shown in the following table :—

Division.	Court making the reference.	In accordance with paragraph 8 of Government of India Notification No. 884, dated 12th August 1868.	Under section 617, Act X of 1877.	Under section 295, Act X of 1877.	Under section 25, Act XVII of 1875.	Under section 29, Act XVII of 1875.	Under section 26, Act XVII of 1875.	Under section 22, Act XI of 1865.	Total.	Rulings adverse to the opinion of referring Court.	Rulings in concurrence with the opinion of referring Court.	Heard as appeals under section 84, Act XVII of 1875.	Total disposed of.	Pending.
Arakan	Extra Assistant Commissioner, Akyab	...	1	...	...	...	...	...	1	...	1	...	1	...
	Judge of the Small Cause Court, Akyab	...	1	...	...	...	...	...	1	...	...	1	1	...
	Deputy Commissioner, Kyaukpyu	...	1	1	...	...	...	...	2	1	1	...	1	1
	Deputy Commissioner, Arakan Hill Tracts	...	1	...	...	...	...	...	1	1	...	...	1	...
Total		...	4	1	1	...	...	...	5	2	2	1	4	1
Pegu	Deputy Commissioner, Hanthawaddy	...	...	...	2	...	...	...	2	...	2	...	2	...
	Deputy Commissioner, Pegu	...	...	...	1	...	...	...	1	...	1	...	1	...
Total		...	...	...	3	...	...	...	3	...	3	...	3	...
Irrawaddy	Deputy Commissioner, Thayetmyo	...	...	...	1	...	...	...	1	...	1	...	1	...
Total		...	...	...	1	...	...	...	1	...	1	...	1	...
Tenasserim	Deputy Commissioner, Shwegyin	...	...	...	2	...	...	...	2	1	1	...	2	...
	Judge of Moulmein	...	...	1	...	...	...	...	1	...	1	...	1	...
Total		...	...	1	2	...	...	...	3	1	2	...	3	...
Grand Total		...	5	...	7	...	...	...	12	2	8	1	11	1
In 1883		...	4	...	6	...	...	1	11	3	7	...	10	1

24. The following table shows the work of the Judicial Commissioner as a Court of Revision :—

Division.	Name of Commissioner, Deputy Commissioner, Assistant Commissioner, or Extra Assistant Commissioner from whose decision revision was made.	Revision admitted.	Decision reversed.	Decision modified.	Decision confirmed.	Dismissed for default.	Remanded.	Total disposed of.	Pending.
Arakan.	*Nil.*								
Pegu.	Mr. A. Hough, Deputy Commissioner of Hanthawaddy.	2	...	...	2	...	...	2	...
	Maung Shwe Zin, Extra Assistant Commissioner of Tunte.	1	...	...	1	...	...	1	...
	Maung Hla Paw Zau, Myoôk of Tanmanaing.	1	...	...	1	...	...	1	...
	Mr. W. deCourcy Ireland, Deputy Commissioner of Pegu.	2	...	...	1	...	...	1	1
	Maung Ba Gyaw, Extra Assistant Commissioner of Pagandaung.	1	...	...	1	...	...	1	...
	Mr. A. H. Hildebrand, Deputy Commissioner of Tharrawaddy.	2	...	...	2	...	...	2	...
	Colonel C. W. Street, Commissioner of Pegu	1	...	...	1	...	...	1	...
	Major G. Alexander, Deputy Commissioner of Prome.	3	...	...	3	...	...	3	...
	Maung Po, Extra Assistant Commissioner of Prome.	1	...	...	1	...	...	1	...
	Total ...	14	...	...	13	...	...	13	1
Irrawaddy.	Captain J. Butler, Deputy Commissioner of Henzada.	4	...	...	4	...	...	4	...
	Maung Pu, Myoôk of Henzada ...	4	1	...	3	...	...	4	...
	Mr. F. S. Copleston, Deputy Commissioner of Thôngwa.	3	...	...	3	...	...	3	...
	Mr. R. Phayre, Officiating Deputy Commissioner of Thôngwa.	1	...	...	...	...	1	1	...
	Maung Ba Tu, Extra Assistant Commissioner of Pyapôn.	1	...	...	1	...	...	1	...
	Mr. R. H. Pilcher, Deputy Commissioner of Thayetmyo.	1	...	...	1	...	...	1	...
	Maung Hla Bu, Myoôk of Mindôn ...	3	1	...	2	...	...	3	...
	Mr. G. J. S. Hodgkinson, Commissioner of Irrawaddy.	1	...	...	1	...	...	1	...
	Total ...	18	2	...	15	...	1	18	...
Tenasserim.	Maung Mya U, Myoôk of Kanni, Toungoo district.	1	...	...	1	...	...	1	...
	Captain J. Butler, Deputy Commissioner of Mergui.	1	1	...	...	...	...	1	...
	Total ...	2	1	...	1	...	...	2	...
	Grand Total ...	34	3	...	29	...	1	33	1

The results are generally favourable to the officers concerned.

25. *Costs of litigation.*—These costs are shown in the table attached to this report.

During the last three years the ratios of costs to values of suits have been as follows :—

	Original.	Appeal.	Execution.
1882 ...	14·58 ...	20·31 ...	1·79
1883 ...	15·38 ...	17·50 ...	3·49
1884 ...	15·67 ...	20·31 ...	2·53

There are very considerable differences observable in the costs in the different districts, being highest in original suits in—

Sandoway	38·74
Mergui	31·73
Kyaukpyu	24·92
Toungoo	21·51
Tavoy	21·27

and lowest in—

Pegu	...	...	...	5·47
Salween	...	...	...	7·13
Moulmein	...	...	...	12·21

The following considerations occur in reviewing this table. The ratio of costs to value is necessarily highest where the average value of suits is low :—

In Sandoway the average value was Rs. 29 ;
in Salween the average value was Rs. 472.

Accordingly the costs in Sandoway on original suits was 38·74 per cent. of the total claims, while in Salween the costs were 7·13 per cent. One or two heavy suits more or less filed during the year obviously disturb the average. Thus in Moulmein in 1883 there were eight suits over Rs. 5,000, three over Rs. 10,000, and two over Rs. 1,00,000. In 1884 there were none over Rs. 1,00,000, five over Rs. 10,000, and three over Rs. 5,000. In 1883 the costs were 7·5 per cent. of total value ; this year the costs have risen to 12·21 per cent. Further it is noteworthy that the costs of bringing in witnesses depend upon distances and not on the value of suits, so that it may, and does, cost more to bring witnesses into the Courts at Sandoway, where the average value is Rs. 29, than it does in Moulmein, where the average value is Rs. 164.

Under the rules framed by this Court for calculating Advocates' fees a minimum fee is prescribed for a first grade Advocate of Rs. 17 ; second grade, Rs. 10 ; third grade, Rs. 5. In suits of trifling value those fees are relatively very high.

These considerations explain the ratios and fluctuations of ratios of costs in the table under consideration.

The charges are certainly very high, and it is to be wished that they should be reduced. I think reduction possible in two directions. The process-serving establishment shows a profit for the year of Rs. 26,641-10-6. In 1883 these profits amounted to Rs. 26,855-5-3 and in 1882 they were Rs. 27,774-4-4. Some part of this might perhaps be surrendered to the suitors by a revision of the scale of fees.

Some advantages would result from a revision of the scale of remuneration of Advocates, particularly as regards the minimum. But I do not think that reduction of costs in this direction would follow of necessity by the revision of the scale in all cases. I may mention that in an important case which came before me in my last district, involving the Midnapur Raja's estates, the Advocate's hearing fees actually paid by the defence amounted to Rs. 21,000, the maximum chargeable to the parties under the Calcutta High Court rules being Rs. 3,000.

26. *Inspection.*—A fair amount of inspection work has been done during the year—

(i) In the Pegu division, all the Courts in the Hanthawaddy district were inspected by the Deputy Commissioner, and some inspection work has been done by Deputy Commissioners in other districts.

(ii) In the Irrawaddy division, all the Courts of the Myoôks in the Thôngwa district were inspected by the Deputy Commissioner.

(iii) In the Arakan division, all the Courts were examined by the Commissioner as well as by all Deputy Commissioners.

(iv) In the Tenasserim division, all the Courts were examined by the Commissioner, and the Courts at Shwegyin, Amherst, Tavoy, Mergui, and Toungoo, were examined respectively by the Deputy Commissioners.

The Judicial Commissioner, Mr. Jardine, inspected the following Courts, namely, those at Pegu, Henzada, Bassein, Prome, Mergui and Tavoy, and brought to light many irregularities of procedure.

Mr. Ward, my immediate predecessor, examined the following Courts, namely, those at Mergui, Tavoy, Prome, Thayetmyo, Moulmein, Bassein, Thôngwa, and Pegu.

Colonels Sladen and Street, and Messrs. Hodgkinson and Burgess, have given much time and attention to this important duty. Amongst the Deputy

Commissioners the following are deserving of commendation for inspection work, namely,—

Mr. Mitchell.	Captain Raikes.
Major Adamson.	Mr. Copleston.
Colonel Spearman.	Colonel Pemberton.
Colonel Hughes.	Mr. Weidemann.
Captain Grey.	Colonel Strover.
Mr. Birks.	Mr. St. Barbe.
Captain Cresswell.	Mr. Duke.
Mr. Hough.	Mr. Macrae.

At present this Office is not informed of the result of each inspection. It is to be feared that some of the results of an inspection are sometimes lost for want of a record, and that when officers are changed, much of it has to be done over again. I have drawn up a memorandum on some of the points to which Inspecting Officers should particularly direct their attention, and I have asked for short notes on each inspection being made.

Mr. Ward appears to have found himself unable to make progress with the Manuals referred to in the Government Resolution of the 9th July last.

27. *Advocates.*—The total number of Advocates in the Courts subordinate to the Judicial Commissioner and in this Court is 491. Of these 42 are of the first grade, 16 of them being Barristers; 118 are of the second grade, and 331 are of the third grade.

An examination of Advocates was held on the 5th May 1884 and the five following days by the Educational Syndicate of British Burma.

There were 24 candidates, of whom two passed in the first grade and one in the second grade. It is under consideration to make the standard of examination for Advocates of the Court of the Recorder and of the Judicial Commissioner the same.

28. Mr. John Jardine was in charge of the Office from 1st January to 18th April, when he proceeded on furlough, and was relieved by Mr. W. E. Ward, who was in charge to the end of the year.

W. F. MERES,

Offg. Judicial Commissioner.

PART III.

Courts under the Supervision of the Commissioner of the Arakan Division.

From Colonel E. B. SLADEN, Commissioner of the Arakan Division, to the Secretary to the Chief Commissioner, British Burma,—No. 13-86, dated the 4th March 1885.

I HAVE the honour to submit, for the information of the Chief Commissioner, the Annual Report of the Deputy Commissioner, Arakan Hill Tracts district, on the administration of civil justice for 1884, with statements.

2. The report does not appear to call for any remarks beyond those which have been made by the Deputy Commissioner.

It is worthy of note, however, that the Deputy Commissioner has thought proper this year to try all civil suits himself instead of referring them to the arbitration of Native Chiefs.

He gives no reason for this change of procedure, but results show that there has been increased litigation, and that suitors of every class have had good cause to be satisfied with the administration of civil justice.

From W. C. MIDWINTER, Esq., Deputy Commissioner, Arakan Hill Tracts, to the Commissioner of the Arakan Division,—dated the 18th January 1885.

I HAVE the honour to forward the Annual Report on the administration of civil justice for the district of Arakan Hill Tracts for the past year.

2. The subjoined table shows the number of cases instituted in the different Courts of original jurisdiction, the number disposed of, and the state of the files at the close of the year, as compared with the similar results for the preceding year:—

Class and locality of Court and name of presiding Judge.	Instituted.		Disposed of.		Pending at close of year.			
	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.	Previous year.	Year of report.
Mr. W. C. Midwinter, Deputy Commissioner ...	75	124	73	124	...	...	2	2
Increase ...	...	49	...	51	...	...	...	...

In 33 cases policemen and others were either plaintiffs or defendants. Excluding the police, Karennis alone were parties to 46 suits, Karennis and Chaungthas were either plaintiffs or defendants to nine suits, Chaungthas alone were parties to six suits, Natives of India and Chaungthas to five, Natives of India and Karennis to eight, Natives of India alone to eight, Mros alone to eight, Mros and Karennis to one, and Chin to none.

There are 260 police in the district.

According to the last census—

The Karennis number	...	...	...	9,023
The Mros number	...	...	...	2,208
The Chins number	...	...	...	973

The Mros live mostly on the Mi chaung, and the Chins on the distant Lemru.

The Mros are therefore about one-and-a-half or two days and the Chins four or five days' journey from headquarters, whereas most Karennis are within a day, and the most remote within two days' journey. The Chins being satisfied with their village tribunals, do no care to come to Court.

A large number of cases, chiefly to recover loans, were instituted by Karennis in the rains.

My having brought such cases on to my own file instead of referring them to the heads of villages accounts for the larger number of cases instituted in the past year.

3. The next table shows the character of original litigation in the different classes of Courts:—

Class and locality of Court and name of presiding Judge.	Number of Suits.												
	On written obligation.	On unwritten obligation.	On account stated.	For money had and received.	For goods sold.	For breach of contract not mentioned above.	For rent.	For movable property or value thereof.	For damages.	For immovable property or interest thereon.	For specific performance of contract.	For dissolution of marriage or for enforcement of matrimonial right.	Other suits.
Mr. W. C. Midwinter, Deputy Commissioner.	...	...	...	62	28	1	...	6	4	3	...	6	14
Total ...	...	...	...	62	28	1	...	6	4	3	...	6	14

The litigation has been of a very ordinary character. The Karennis often have to buy paddy to supplement an insufficient harvest. They rely upon repaying the loan after selling their tobacco some four months later. Failing this the borrower has to pay cent. per cent. for the money lent to him. This rate of interest is universal among the Karennis and Mros and never objected to.

The suits for goods sold have increased from six to 28, as all shopkeepers who have urged claims against policemen have had them decided in Court. The three suits for immovable property were for tobacco land, to which however no rights other than those of temporary cultivators have been acquired in this district.

4. The next table shows the value of suits instituted in the Civil Courts of the district:—

Class of Courts.	Number of Suits instituted in the different Courts.									Total value of suits.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.	
										Rs. A. P.
Township Court ...	...	...	...	...	...	...	...	...	...	...
Paid Subdivisional Tribunal	...	...	...	...	...	...	...	...	...	...
Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...
Chief Court of district ...	32	50	17	20	...	1	...	...	4	9,665 12 9
Superior Courts ...	...	...	...	...	...	...	...	...	...	...
Total ...	32	50	17	20	...	1	...	...	4	9,665 12 9

In the previous year there was one suit for Rs. 688 and none higher.

This year the only suit for over Rs. 500 was between Natives of India and for Rs. 3,375.

In suits below Rs. 500 there is only an excess of Rs. 661 11-3 over the previous year.

5. The value of original suits was as follows :—

Class and locality of Court and presiding Judge.	Number of Suits disposed of Valued at not exceeding—								Total value of suits.
	Rs. 10.	Rs. 50.	Rs. 100.	Rs. 500.	Rs. 1,000.	Rs. 10,000	Rs. 1,00,000.	Above Rs. 1,00,000.	
Mr. W. C. Midwinter, Deputy Commissioner.	32	50	18	19	...	1	...	...	Rs. A. P. 9,276 12 0
Total ...	32	50	18	19	...	1	...	...	9,276 12 0

6. The manner in which the litigation was disposed of in the several Courts is shown :—

Class and locality of Court and name of presiding Judge.	Number of cases brought on the file, including pending from last year.	Transferred.	Plaint rejected or returned.	Dismissed for default.	Withdrawn with leave.	Compromised.	Decreed on confession.	Decreed *ex parte*.	Dismissed *ex-parte*.	Contested cases.		Total disposed of.	Pending.	Referred to arbitration.
										Judgment for plaintiff whole or in part.	Judgment for defendant.			
Mr. W. C. Midwinter, Deputy Commissioner.	126	...	...	8	7	10	40	10	2	39	18	124	2	...
Total ...	126	...	...	8	7	10	40	10	2	39	18	124	2	...

I find that in some few cases rejected plaints were returned to applicants and not shown in the registers.

This omission will be guarded against in future.

Plaintiffs withdrew seven cases, and 10 were compromised by both parties in Court.

The number decreed on confession is noteworthy. I must say I have found the hill people as a rule truthful when in Court.

I have not shown in the register some petitions, chiefly relating to matrimonial affairs, which I have referred to the headmen of the defendants' villages.

In most cases the headmen have afterwards reported the satisfactory settlement of the claims made.

When either party has objected to this procedure, I have taken up the claims as civil suits, but have not found it necessary to ask hillmen to sit with me as assessors.

In one case I decreed the refund of a claim for damages which have been paid because the claimant's nominee stood the ordeal of diving better than the Mro from whom the compensation was required.

The device seemed to have been resorted to because the claim would not stand on its merits.

7. The average duration of suits in each Court of original jurisdiction was as follows :—

Class and locality of Court and name of presiding Judge.	Average duration of suits.			
	For previous year.		*For year of report.*	
	Contested.	Uncontested.	Contested.	Uncontested.
Mr. W. C. Midwinter, Deputy Commissioner ...	8·05	6·18	13·3	4·24

The duration of contested suits compares unfavourably with that in the previous year.

Two suits, filed in December 1883, were put aside by me for hearing when I visited Daletme. My visit was delayed and the cases overlooked and not decided till 9th April, when I was at Kyaukpandaung.

8. The next table shows the number of applications for execution of decree in which the applications were satisfied :—

Class and locality of Court and name of presiding Judge.	Number of applications for execution, including those pending from last year.	Decree completely executed.	Decree partly executed.	Pending at close of year.
Mr. W. C. Midwinter, Deputy Commissioner	24	19	5	...

Plaintiffs obtained decrees in 89 cases, and the Court's assistance was asked in executing more than a quarter of them.

I believe that in nearly all the remainder the decreeholders obtained satisfaction.

In the previous year there were no applications for execution of decrees.

9. Processes of execution were issued as follows :—

Name of district.	Mode of execution.						Orders under section 243, Civil Procedure Code.
	Delivery of possession.	*Persons.*	*Movable property.*		*Immovable property.*		
		Imprisonment.	Attached.	Sale.	Attached.	Sale.	
Nil.							

All the judgment-debtors brought before the Court obtained their discharge from arrest without imprisonment in the civil jail.

10. The subjoined table shows the number of appeals preferred to the Deputy Commissioner from the decrees of the subordinate Courts and the proportion in which the decrees appealed against were upheld :—

Name of Extra Assistant Commissioner and Assistant Commissioner.	Number of appeals preferred.	Number of decrees confirmed.	Number of decrees modified.	Number of decrees reversed.	Proportion of reversal and modification to appeal preferred.
Nil.					

There are no subordinate Courts, nor do I think any are required.

11. I think that I should mention in this report that Maung Myat Tha Tun, the Judicial Clerk, has worked well throughout the year. He treats the hill people with courtesy and patience, and, being well educated, may, I hope, in time win his way to a myoôkship.

W. C. MIDWINTER,

Deputy Commissioner, Arakan Hill Tracts.

APPENDICES TO PART I.

COURTS EXERCISING JURISDICTION IN THE TOWN OF RANGOON.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Town of Rangoon in the Province of British Burma on the last day of the year 1884, with the cost of Tribunals.

Name of province	Area	Population	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts	Number of districts	Number of sub-districts	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED				Total receipts of the Courts	Total charges of the Courts	Remarks.		
						Judges of Chief Court of province	Judges of other Courts superior to Chief District Courts	Judges of Chief Courts of districts	Judges of District Courts other than Chief Courts	Judges of other subordinate Courts	*Original* Regular	*Original* Miscellaneous	*Appeals* Regular	*Appeals* Miscellaneous					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
															Rs. A. P	Rs A P.	Grades of Judicial Officers	Europeans	Natives
PROVINCE OF BRITISH BURMA — Territory subject to the High Court — Civil	45 square miles	134,176		1		1*a*		.	..	2*b*	5,296*c*	3,558*d*			97,546 9 0*e*	94,806 1 2*f*	*a* Officers exercising both original and appellate jurisdiction—		
																	High Court Judges	1	
																	b Officers exercising original jurisdiction only—		
																	Small Cause Court . .	1	1

c Regular Civil—

		Rs	A.	P
(1) By Small Cause Court	..	5,066	0	0
(2) By Recorder ..		200	0	0
By Insolvency . ..		30	0	0
Total		5,296	0	0

d By Small Cause Court .. 3,287 0 0
By Recorder .. 271 0 0
Total 3,558 0 0

e By Small Cause Court . 52,110 5 0
By Recorder .. . 45,436 4 0
Total 97,546 9 0

f By Small Cause Court 29 474 13 7
By Recorder 65,331 3 7
Total 94 806 1 2

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Suits instituted in the Civil Courts in the Town of Rangoon in the Province of British Burma in the year 1884.

Class of Tribunal.	SUITS FOR MONEY OR MOVABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.															Grand Total.	Remarks.
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Rent not falling under the rent law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immovable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 221, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
Courts at the Presidency or Seat of Government.																																						
Small Cause Court	2,462	633	24	189	572	471	113	20	15	617	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	5,116	
Recorder's Court	63	...	4	2	11	6	3	18	16	2	...	...	...	...	...	...	...	...	26	3	1	4	3	5	...	2	6	5	2	1	1	1	1	3	3	(a) 20	214	
Total ...	2,525	633	28	191	583	477	116	38	31	619	...	...	...	...	...	...	...	...	26	3	1	4	3	5	...	2	6	5	2	1	1	1	1	3	3	20	5,330	

(a) For ejectments 19
To file award under section 525, Civil Procedure Code ... 1
20

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the Number and Value of Suits instituted in the Civil Courts in the Town of Rangoon in the Province of British Burma in the year 1884.

Class of Tribunal	NUMBER OF SUITS INSTITUTED IN THE DIFFERENT COURTS.									Total value of suits.	Remarks.
	Not exceeding Rs 10	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money		
1	2	3	4	5	6	7	8	9	10	11	12
Courts at the Presidency or Seat of Government										Rs. A. P.	
Small Cause Court ...	575	2,334	985	1,136	186	...	...	...	...	5,12,177 15 0	
Recorder's Court ...	...	...	3	17	13	130	8	12	31	6,09,925 7 7	
Total ..	575	2,334	988	1,153	199	130	8	12	31	11,22,103 6 7	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement Showing the General Result of the trial of Civil Cases in the Courts of Original Jurisdiction in the Town of Rangoon in the Province of British Burma in the year 1884.

PART I.—(Civil Suits).

Class of Tribunal.	Total number of suits before the Court.	Number of suits disposed of										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases.		Remarks.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested.	
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
Courts at the Presidency or Seat of Government.																
Small Cause Court	5,460	3	907	337	586	1,944	68	...	...	862	362	391	...	39·19	24·71	
Recorder's Court	308	...	29	19	5	37	3	1	...	64	42	108	65	199*	113	The result of the insolvency cases is not shown in this statement but is shown in the body of the report.
Total ...	5,768	3	936	356	591	1,981	71	1	...	926	404	499	65	51·93	26·82	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the trial of Civil Cases in the Courts of Original Jurisdiction in the Town of Rangoon in the Province of British Burma in the year 1884.

PART II.—Miscellaneous Cases (Judicial).

Class of Courts.	Total number of cases before the Courts.	Number of cases disposed of										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases, contested and uncontested.	Remarks.
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to Arbitration.		With contest.					
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Courts at the Presidency or Seat of Government.															
Small Cause Court	1,447	...	858	15	2	72	5	...	...	312	106	77	1	19	
Recorder's Court	292	...	42	2	4	153	16	...	...	38	16	21	4	25	
Total ...	1,739	...	900	17	6	225	21	...	...	350	122	98	5	20	

JUDICIAL STATEMENT No. 10 (CIVIL), PARTS I AND II.—Blank.

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the Result of Proceedings on Applications for the Execution of the Decrees of the Civil Courts in the Town of Rangoon in the Province of British Burma in the year 1884.

Class of Courts.	Total number of applications for the execution of decree before the Court.	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALIZED.		NUMBER OF APPLICATIONS.											Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested, but released without imprisonment.	On which movable property		On which immovable property			On which possession was given		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
												Was sold.	Was attached, but subsequently released.	Was sold.	Was dealt with under sections 305, 322, or 328, Act X of 1877.	Was attached, but subsequently released under section 276.	Of movables.	Of immovables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
Courts at the Presidency or Seat of Government.								Rs. A. P.	Rs. A. P.													
Small Cause Court	2,020	...	457	271	1,189	103	..	39,505 9 2	23,508 0 9	168	502	87	93	...	...	...	...	...	...	...	...	
Recorder's Court	123	...	46	16	42	19	1	61,098 13 9	4,535 8 0	2	9	3	7	13	...	7	...	5	...	...	...	
Total ...	2,143	...	503	287	1,231	122	1	1,20,604 6 11	28,043 8 9	170	511	90	100	13	...	7	...	5	...	...	...	

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the Number and Result of Applications and Proceedings under Chapter XX, Act X of 1877, in the Town of Rangoon in the Province of British Burma in the year 1884.

Class of Courts	APLICATIONS FOR A DECLARATION OF INSOLVENCY								AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		Remarks.
	Total number for hearing	Transferred to another province, withdrawn, &c	*Granted*		*Rejected*			Pending at the close of the year	Number of insolvents discharged during the year under section 335	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	Admitted	Satisfied.	Realised during the year	Disbursed during the year	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under section 359 not being taken.	Sentence of imprisonment being passed under section 359	Applicant being sent to the Magistrate to be dealt with								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Chief Courts of Districts	31	7	..	16	5	...	.	3	..	..	19,933	...	..	..	
Total ...	31	7	...	16	5	..	..	3	.	...	19,933			...	

JUDICIAL STATEMENT No. 13 (CIVIL).—Blank.

APPENDICES TO PART II.

COURTS UNDER THE SUPERVISION OF THE JUDICIAL COMMISSIONER.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, on the last day of the year 1884, with the cost of Tribunals.

Name of province	Area	Population	Number of divisions for Courts under Chief Court but superior to Chief Courts of districts	Number of districts	Number of sub-districts	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION					TOTAL NUMBER OF CASES DECIDED				Total receipts of the Courts	Total charges of the Courts	Remarks.
						Judges of Chief Court of province	Judges of other Courts superior to Chief District Courts	Judges of Chief Courts of districts	Judges of District Courts other than Chief Courts.	Judges of other Subordinate Courts	*Original* Regular	*Original* Miscellaneous	*Appeals* Regular	*Appeals* Miscellaneous			
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
															Rs A P	Rs A. P	
PROVINCE OF BRITISH BURMA — Territory subject to the High Court — Civil	86,160 square miles.	3,588,096	4	18	35	1	5	17	24	98	29,839	4,438	1,493	40	4,14,368 3 3	4,20,261 3 8	

Grades of Judicial Officers		Europeans	Natives.
Officers exercising both original and appellate jurisdiction	Judicial Commissioner	1	...
	Commissioner	4	.
	Deputy Commissioner	17	..
	Assistant Commissioner with appellate powers.	1	.
Officers exercising original jurisdiction only	Small Cause Court Judges ..	2	7
	Assistant Commissioners	9	..
	Extra Assistant Commissioners ...	4	23
	Myoôks	1	75
	Unpaid Judges . .		1

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil Courts in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

Class of Tribunal.	SUITS FOR MONEY OR MOVABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.															
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Rent not falling under the rent law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint or other cause.	For pottahs or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immovable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleador suits.	Dissolution of partnership.	Suits under Section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand Total.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
COURTS IN THE INTERIOR.																																				
Civil Courts.																																				
Unpaid Tribunals	22	41	...	26	27	5	...	46	15	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	1	...	...	...	...	...	...	2	187
Village Courts	4,183	2,885	280	1,622	3,416	845	552	2,602	2,844	1,069	...	...	...	...	...	...	...	...	939	16	4	66	112	3	2	17	423	115	73	2	...	25	1	11	...	353	22,460
Paid Subdivisional Tribunals ...	421	175	51	114	386	41	40	120	120	65	...	...	...	...	...	...	...	...	83	2	...	3	4	1	...	1	62	3	12	...	...	...	...	...	...	32	1,736
Small Cause Courts	2,123	435	63	369	1,187	342	97	227	191	401	...	...	...	...	...	...	...	...	3	...	...	...	2	...	...	...	...	...	1	...	...	...	1	...	17	5,459
District Courts other than Chief Courts of Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...
Chief Courts of Districts ...	56	3	4	8	2	2	1	6	12	2	...	...	...	...	...	...	...	...	11	1	2	24	3	1	2	2	1	17	3	...	...	2	...	6	...	11	182
Total ...	6,805	3,539	398	2,139	5,018	1,235	690	3,001	3,182	1,539	...	...	...	...	...	...	...	...	1,036	19	6	93	121	5	4	20	487	135	89	2	...	27	1	18	...	415	30,024

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing the Number and Value of Suits instituted in the Civil Courts in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

Class of Courts.	Number of suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000.	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.											
Civil Courts.										Rs. A. P.	
Unpaid Tribunals	41	90	37	18	...	...	...	...	1	7,575 0 0	
Village Courts	3,218	6,726	5,817	3,996	108	44	...	...	551	15,84,946 2 1	
Paid Subdivisional Tribunals	239	534	336	325	146	92	...	...	64	3,56,589 4 2	
Small Cause Courts	1,635	2,791	934	624	75	...	...	...	...	3,22,749 9 7	
District Courts, other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	.....	
Chief Courts of Districts	...	5	7	19	26	75	14	6	30	3,02,479 4 5	
Total ...	4,533	12,146	7,131	4,982	355	211	14	6	646	26,34,339 4 3	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the trial of Civil Cases in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

PART I.—Civil Suits.

Class of Courts.	Total number of suits before the Courts	Number of suits disposed of										Pending at the close of the year	Number of cases pending more than three months at the close of the year	Average duration of cases		Remarks.
		Transferred to Courts in other provinces	Without trial	Without contest				On reference to arbitration.		With contest				Contested.	Uncontested	
				Compromised.	Decreed on confession	Decreed *ex parte*	Dismissed *ex-parte*	For plaintiff	For defendant	Judgment for plaintiff in whole or in part	Judgment for defendant					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
Civil Courts																
Unpaid Tribunals	187	..	39	3	64	2	.	.	..	55	23	1	..	13	5	
Village Courts	23,009	..	5,833	1,696	3,358	2,652	158	35	9	5,784	2,770	707	20	19	12	
Paid Subdivisional Tribunals	1,830	...	401	89	250	252	9	5	...	491	249	84	4	28	15	
Small Cause Courts	5,586	..	1,051	245	780	1,492	4	4	..	1,362	500	148	5	14	12	
District Courts other than Chief Courts of Districts	.	...	..	.	...	...	...	...	.	..		..	..	...	..	
Chief Courts of Districts	202	..	22	10	6	31	3	1	1	68	32	28	5	66	21	
Total .	30,807	..	7,346	2,043	4,458	4,429	174	45	10	7,760	3 574	968	34	19	12	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the trial of Civil Cases in the Courts of Original Jurisdiction in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

PART II.—Miscellaneous Cases (Judicial).

Class of Courts	Total number of cases before the Courts	Number of suits disposed of										Pending at the close of the year	Number of cases pending more than three months at the close of the year	Average duration of cases contested and uncontested.	Remarks.
		Transferred to Courts in other provinces	Without trial.	Without contest.				On reference to arbitration		With contest					
				Compromised.	Decreed on confession	Decreed *ex-parte*	Dismissed *ex-parte*.	For plaintiff	For defendant.	Judgment for plaintiff in whole or in part	Judgment for defendant				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
COURTS IN THE INTERIOR.															
Civil Courts															
Unpaid Tribunals	11	...	...	...	...	...	...	...	...	6	5	...	...	3	
Village Courts	3,354	...	738	269	199	454	38	5	6	1,070	473	102	...	11	
Paid Subdivisional Tribunals	340	...	81	31	4	21	1	...	...	198	56	18	...	8	
Small Cause Courts	320	...	30	6	...	139	41	...	...	64	39	1	...	6	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	470	...	91	5	...	140	27	...	...	126	52	29	...	14	
Total	4,495	...	940	311	203	754	107	5	6	1,394	625	150	...	10	

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the Business of the Civil Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

PART I.—Appeals from Decrees.

Class of Courts	Total number of appeals before the Courts	Transferred to Courts in other provinces	Decisions confirmed, Section 551, C. P. C	Dismissed for default or otherwise not prosecuted	HEARD EX-PARTE.				CONTESTED.				Pending	Of those pending more than three months.	Average duration of appeals.	Objections under Section 561, Act XIV of 1882.	Remarks.
					Confirmed	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES.																	
Civil Courts.																	
Chief Appellate Courts other than Chief Courts of Districts	44	...	...	...	...	...	..	...	26	6	6	...	6	...	13	...	
Chief Appellate Courts of Districts	1,426	...	...	15	36	1	7	1	780	116	352	26	92	...	27	8	
Superior Appellate Courts other than Chief Court of Province	9	...	...	...	2	...	...	...	4	1	1	...	1	...	62	...	
Total ...	1,479	...	...	15	38	1	7	1	810	123	359	26	99	...	27	8	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of Province ... Appeals from original decrees ...	...	...	...	...	..	...	...	..	...	...	...	...	...	...	...	...	
Chief Court of Province ... Appeals from appellate decrees ..	139	2	32	7	7	...	14	..	28	2	18	3	26	2	106	7	
Chief Court of Province ... Civil revisions	34	...	25	...	4	...	2	1	..	...	1	...	1	...	23	...	
Total ...	173	2	57	7	11	...	16	1	28	2	19	3	27	2	87	7	
GRAND TOTAL ...	1,652	2	57	22	49	1	23	2	838	125	378	29	126	2	33	15	

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the Business of the Civil Appellate Courts of the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

PART II.—Miscellaneous (Judicial) Cases before Appellate Courts.

Class of Courts.	Miscellaneous cases before Appellate Courts.	Transferred to Courts in other provinces.	Decisions confirmed, Section 551, C. P. C.	Dismissed for default or otherwise not prosecuted.	Heard ex-parte.				Contested.				Pending.	Of those pending more than three months.	Average duration of appeals.	Objections under Section 561, Act XIV of 1882.	Remarks.
					Confirmed.	Modified.	Reversed.	Remanded.	Confirmed.	Modified.	Reversed.	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
Civil Courts.																	
District Appellate Courts other than Chief Courts of Districts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Appellate Courts of Districts	32	...	...	...	7	...	6	...	10	...	7	...	2	1	12	...	
Superior Appellate Courts other than Chief Court of Province ...	3	...	...	...	3	...	...	...	...	...	...	...	...	...	16	...	
Total ...	35	...	...	...	10	...	6	...	10	...	7	...	2	1	12	...	
Revenue Courts.																	
Collectors' Appellate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	...	...	
COURTS AT THE PRESIDENCY OR SEAT OF GOVERNMENT.																	
Chief Court of Province { Appeals from original decrees	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Province { Appeals from appellate decrees	9	...	5	...	...	...	...	...	1	...	1	...	2	...	28	...	
Total ...	9	...	5	...	...	...	...	...	1	...	1	...	2	..	28	...	
GRAND TOTAL ...	44	...	5	...	10	...	6	...	11	...	8	...	4	1	15	...	

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the Result of Proceedings on Applications for the execution of the Decrees of the Civil Courts in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

Class of Courts.	Total number of applications for the execution of decrees before the Courts.	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALIZED		NUMBER OF APPLICATIONS												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested but released without imprisonment.	*On which movable property*		*On which immovable property*			*On which possession was given*		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than in the preceding columns.	
												Was sold.	Was attached but subsequently released.	Was sold.	Was dealt with under Sections 305, 332, or 336, Act XIV of 1882.	Was attached but subsequently released under Section 276.	Of movables.	Of immovables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.								Rs. A. P.	Rs. A. P.													
Civil Courts.																						
Unpaid Tribunals	14	...	10	2	2	...	...	115 14 0	.....	...	6	1	6	...	...	...	...	1	...	...	...	
Village Courts	5,131	28	2,071	895	1,774	363	9	92,691 0 0	19,907 5 9	297	1,390	467	1,119	397	74	629	91	110	3	4	16	
Paid Subdivisional Tribunals ...	571	5	232	139	143	52	4	26,418 8 0	521 12 0	30	143	53	184	44	12	79	10	6	2	2	1	
Small Cause Courts	1,658	6	403	357	805	87	...	24,902 11 3	13,388 12 8	154	438	66	177	9	...	11	21	1	...	...	...	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	219	1	46	52	96	24	...	55,519 7 11	10,376 8 5	6	18	16	28	29	...	25	2	1	...	...	4	
Superior Courts	...	...	...	...	...	...	...	.....	.....	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	7,593	40	2,762	1,445	2,820	526	13	1,99,647 9 2	44,194 6 10	487	1,995	603	1,514	479	86	744	134	119	5	6	21	

JUDICIAL STATEMENT No. 12 (CIVIL).

Statement showing the Number and Result of Applications and Proceedings under Chapter XX, Act XIV of 1882, in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, in the year 1884.

Class of Courts.	APPLICATIONS FOR A DECLARATION OF INSOLVENCY.								Number of insolvents discharged during the year under Section 355.	Number of insolvents' estates in the hands of receivers in which proceedings were finally closed during the year.	AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR.		GROSS AMOUNT OF INSOLVENTS' ASSETS REALIZED AND DISBURSED.		Remarks.
	Total number for hearing.	Transferred to another province, withdrawn, &c.	Granted,		Rejected.			Pending at the close of the year.			Admitted.	Satisfied.	Realized during the year.	Disbursed during the year.	
			A receiver being appointed.	A receiver not being appointed.	Penal proceedings under Section 359 not being taken.	Sentence of imprisonment being passed under Section 356.	Applicant being sent to the Magistrate to be dealt with.								
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
											Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	
Courts other than Chief Courts of Districts.	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	162	20	1	84	35	9	1	12	1	...	7,011 10 4	1,436 10 0	2 14 0	1,436 10 0	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	162	20	1	84	35	9	1	12	1	...	7,011 10 4	1,436 10 0	2 14 0	1,436 10 0	

JUDICIAL STATEMENT No. 13 (CIVIL).—Blank.

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Executions of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon and the Arakan Hill Tracts, during the year 1884.

Name of District or Court.	ORIGINAL.									APPEAL.		
			COSTS OF CASES.									COSTS OF CASES.
	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of advocates' fees.	Total number of fees for commissions and other miscellaneous charges.	Total.	Percentage of column 9 to column 3.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.
1	2	3	4	5	6	7	8	9	9a	10	11	12
		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.			Rs. A. P.	Rs. A. P.
Akyab	1,967	1,96,091 3 6	17,711 12 0	4,484 8 0	2,122 8 0	8,858 10 0	70 7 0	28,793 5 0	14·7	74	9,590 4 8	995 2 0
Kyaukpyu	678	33,259 4 3	4,514 1 0	1,607 0 0	1,532 8 0	2,088 7 11	156 15 3	8,292 0 2	24·9	49	3,971 8 0	406 10 0
Sandoway	296	6,136 13 2	1,947 3 0	731 0 0	609 8 0	655 15 8	56 9 0	3,269 3 8	38·7	37	1,511 2 6	301 9 0
Commissioner of Arakan	.....	.....	.....	.....	.....	.....	.....	.....	...	1	500 0 0	40 8 0
Hanthawaddy	1,099	1,12,555 7 5	10,066 15 0	2,110 8 0	754 13 6	5,324 12 8	34 9 0	16,181 2 2	14·4	41	16,252 4 6	954 6 0
Pegu	1,953	3,16,617 12 8	14,540 11 0	4,711 0 0	1,188 4 0	1,536 12 0	78 8 0	17,344 3 0	5·5	57	14,268 7 0	932 12 0
Tharrawaddy	2,057	1,21,039 7 0	14,956 1 0	4,938 4 0	1,902 11 0	8,442 4 0	291 14 0	25,592 14 0	21·1	108	9,274 12 1	1,416 6 0
Prome	2,228	1,45,961 1 2	16,895 2 0	12,442 0 0	3,489 8 0	3,835 13 0	1,967 13 0	26,188 4 0	17·9	102	8,199 14 8	944 2 0
Commissioner of Pegu	.....	.....	.....	.....	.....	.....	.....	.....	...	2	8,006 12 6	504 8 0
Henzada	2,511	1,74,040 10 9	19,264 10 0	6,965 8 0	4,341 12 0	9,851 13 3	1,969 2 0	35,327 5 3	20·3	153	14,489 13 6	1,566 4 0
Bassein	3,760	2,53,777 8 5	30,023 2 0	8,159 8 0	4,907 15 0	13,404 11 9	543 14 0	48,879 10 9	19·3	182	22,268 6 11	2,388 1 7
Thôngwa	2,641	2,41,490 9 7	31,923 11 0	7,099 8 9	3,964 8 0	10,711 3 0	307 6 0	46,906 12 0	19·4	144	16,985 13 0	1,930 4 10
Thayetmyo	1,397	82,550 13 6	10,744 4 0	3,977 3 0	1,738 11 6	1,944 11 1	348 13 0	14,776 7 7	17·9	70	5,102 7 0	657 5 0
Commissioner of Irrawaddy	.....	.....	.....	.....	.....	.....	.....	.....	..	4	5,748 10 9	392 0 0
Amherst	1,583	1,52,400 9 10	16,231 13 0	3,905 0 0	1,658 6 0	3,443 1 4	293 4 0	21,626 8 4	14·2	88	13,387 0 0	1,099 4 0
Shwegyin	1,671	1,31,307 5 2	11,985 0 0	3,901 0 0	2,470 10 0	5,167 11 0	92 0 0	19,715 5 0	15·0	113	17,113 6 2	1,997 2 0
Toungoo	1,338	99,011 7 2	11,853 9 0	2,842 8 0	1,997 0 0	6,954 9 0	510 0 0	21,305 2 0	21·5	64	14,211 15 0	1,490 4 0
Tavoy	469	32,301 15 5	3,790 11 0	1,220 8 0	1,152 12 0	1,583 3 3	335 2 11	6,970 13 2	21·2	75	5,385 14 10	649 10 0
Mergui	538	28,910 0 11	1,345 0 0	3,189 2 0	1,035 0 0	4,890 0 0	60 0 0	9,174 2 0	31·7	42	2,814 0 0	308 8 0
Salween	38	17,932 15 6	1,176 14 0	123 8 0	103 8 0	.....	.....	1,280 6 0	7·1	3	195 0 0	11 2 0
Moulmein	2,695	4,31,763 1 0	29,818 5 0	4,373 8 0	3,195 8 0	18,300 10 0	1,439 0 0	52,753 7 0	12·2	...	.....	.....
Commissioner of Tenasserim	.....	.....	.....	.....	.....	.....	.....	.....	...	5	14,490 0 0	688 7 0
Judicial Commissioner	.....	.....	.....	.....	.....	.....	.....	.....	...	120	35,358 9 5	3,099 3 0
Total ...	29,839	25,79,248 2 5	2,50,641 14 0	74,336 15 0	38,155 7 0	1,07,024 4 11	8,455 5 2	4,04,276 15 1	15·7	1,534	2,41,125 12 6	23,773 6 5

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Executions of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon, &c.—(concluded).

Name of District or Court	APPEAL—concluded.					EXECUTION OF DECREES.					
	Costs of Cases—concluded.							Costs of Cases.			
	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.
1	13	14	15	16	17	18	19	20	21	22	23
	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	180 0 0	.....	1,078 0 0	154 0 0	2,227 2 0	661	1,19,035 10 1	2,513 0 0	2,124 0 0	.....	5 0 0
Kyaukpyu	129 0 0	.....	420 0 0	.....	896 10 0	130	10,423 7 5	521 8 0	301 0 0	.....	.....
Sandoway	92 0 0	.....	313 10 4	.....	615 3 4	40	3,754 11 2	295 13 0	135 8 0	.....	.....
Commissioner of Arakan	0 8 0	.....	50 0 0	5 8 0	96 0 0	.....	.....	.....	.....	.....	.....
Hanthawaddy	118 0 0	.....	1,583 15 0	88 2 0	2,826 7 0	230	40,947 13 2	870 12 0	670 8 0	.....	.....
Pegu	85 0 0	.....	795 0 0	.....	1,727 12 0	495	44,272 0 1	1,549 0 0	1,129 0 0	.....	.....
Tharrawaddy	380 0 0	.....	1,150 4 0	.....	2,566 10 0	331	30,169 11 9	900 2 0	520 0 0	.....	.....
Prome	244 0 0	.....	1,402 0 0	443 10 0	2,780 12 0	379	37,467 14 10	1,261 11 0	979 0 0	15 8 0	.....
Commissioner of Pegu	6 0 0	.....	593 14 0	.....	1,098 6 0	.....	.....	.....	.....	.....	.....
Henzada	430 0 0	.....	2,685 4 9	863 0 0	5,114 8 9	400	75,414 5 5	1,406 12 0	1,193 8 0	.....	49 8 0
Bassein	418 0 0	.....	1,225 0 0	200 0 0	3,813 1 7	804	96,860 11 7	2,952 0 0	1,939 8 0	6 8 0	112 8 0
Thôngwa	376 0 0	.....	1,428 7 2	494 8 0	3,852 15 0	692	92,776 10 5	2,465 9 0	1,820 8 0	171 8 0	.....
Thayetmyo	197 9 0	6 0 0	487 7 0	.....	1,150 12 0	222	19,047 13 10	748 0 0	526 0 0	.....	.....
Commissioner of Irrawaddy	21 0 0	.....	248 12 0	16 15 0	657 11 0	.....	.....	.....	.....	.....	.....
Amherst	203 0 0	.....	941 11 0	.....	2,040 15 0	534	1,09,963 11 9	1,812 5 0	1,100 8 0	11 8 0	.....
Shwegyin	334 0 0	.....	1,061 15 9	.....	3,059 1 9	474	31,865 7 0	1,266 0 0	1,018 8 0	.....	.....
Toungoo	250 0 0	.....	1,794 4 0	19 0 0	3,308 8 0	328	63,717 13 7	1,923 7 0	998 0 0	.....	.....
Tavoy	225 0 0	.....	480 6 9	.....	1,130 0 9	110	10,508 4 10	405 11 6	256 0 0	24 4 0	17 0 0
Mergui	84 0 0	.....	420 0 0	.....	728 8 0	142	9,710 12 1	527 8 0	465 8 0	.....	.....
Salween	.....	.....	.....	.....	11 2 0	10	5,451 4 6	58 8 0	36 0 0	7 8 0	.....
Moulmein	.....	.....	.....	.....	.....	1,065	3,48,955 6 11	3,438 12 0	2,049 0 0	27 0 0	34 0 0
Commissioner of Tenasserim	9 0 0	.....	668 0 0	.....	1,356 7 0	.....	.....	.....	.....	.....	.....
Judicial Commissioner	381 0 0	.....	3,925 7 4	1,146 12 0	8,171 6 4	.....	.....	.....	.....	.....	.....
Total	4,093 1 0	6 0 0	22,753 7 1	3,431 2 0	48,963 15 6	7,067	11,50,343 10 5	24,916 6 6	17,062 0 0	263 12 0	218 0 0

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the Province of British Burma, exclusive of the Town of Rangoon, &c.—(concluded).

Name of District or Court.	EXECUTION OF DECREES—concluded.		MISCELLANEOUS.								
	Costs of Cases—concluded.				Costs of Cases.						
	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.
1	24	25	26	27	28	29	30	31	32	33
	Rs. A. P.	Rs. A. P.		Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.	Rs. A. P.
Akyab	83 8 0	2,601 8 0	283	76,407 7 3	758 10 0	590 0 0	147 0 0	1,445 9 10	98 11 0	2,449 14 10
Kyaukpyu	28 12 9	550 4 9	55	3,087 3 9	144 0 0	63 0 0	46 8 0	55 0 0	.....	245 8 0
Sandoway	18 13 0	314 10 0	19	1,282 2 0	89 1 0	31 8 0	7 0 0	40 0 0	.....	136 1 0
Commissioner of Arakan	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Hanthawaddy...	26 0 0	896 12 0	91	31,796 10 0	352 8 0	248 0 0	127 4 0	516 8 0	102 2 0	1,096 6 0
Pegu	45 0 0	1,504 0 0	457	11,034 8 6	585 1 0	380 0 0	115 8 0	590 0 0	5 0 0	1,205 9 0
Tharrawaddy	26 15 3	927 1 3	316	18,255 14 3	683 8 0	445 0 0	124 14 0	645 0 0	11 8 0	1,464 14 0
Prome	784 6 0	2,061 9 0	244	12,252 10 5	1,214 8 8	666 8 0	200 0 0	313 0 0	234 0 6	1,961 9 2
Commissioner of Pegu	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Henzada	445 2 0	1,901 6 0	243	15,769 12 0	909 2 0	743 0 0	498 8 0	516 0 0	308 11 0	2,227 5 0
Bassein	443 13 0	3,514 13 0	484	61,018 0 11	1,608 3 0	1,057 8 0	544 8 0	940 0 0	9 12 0	3,108 7 0
Thôngwa	19 0 0	2,656 1 0	602	71,146 2 5	2,093 1 0	1,497 0 0	397 12 0	1,162 0 0	24 4 0	3,677 1 0
Thayetmyo	88 4 0	836 4 0	258	7,361 13 9	578 13 0	359 0 0	43 0 0	20 0 0	.....	641 13 0
Commissioner of Irrawaddy	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Amherst	172 13 0	1,996 10 0	250	47,859 13 11	765 10 0	317 0 0	280 0 0	152 5 7	5 0 0	1,212 15 7
Shwegyin	.....	1,266 0 0	352	9,697 12 2	439 0 0	341 0 0	95 8 0	180 0 0	.....	715 0 0
Toungoo	85 8 0	2,009 15 0	261	42,625 8 6	951 14 0	481 8 0	222 0 0	458 8 0	13 0 0	1,645 6 0
Tavoy	152 0 5	598 15 11	93	5,210 5 10	63 12 0	35 0 0	21 12 0	5 0 0	.....	90 8 0
Mergui	.....	527 8 0	55	2,178 10 0	196 0 0	133 0 0	38 0 0	105 0 0	.....	330 0 0
Salween	.....	66 0 0	5	1,165 3 0	9 1 0	6 9 0	4 0 0	.....	.....	18 1 0
Moulmein	1,264 0 0	4,763 12 0	347	5,56,639 1 0	11,409 15 0	221 10 0	52 8 0	315 0 0	357 8 0	12,134 15 0
Commissioner of Tenasserim	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Judicial Commissioner	.....	.....	93	13,107 15 0	296 3 0	9 0 0	.....	308 8 0	270 12 0	965 7 0
Total ...	3,683 15 5	29,062 1 11	4,438	9,87,896 10 8	23,148 6 8	7,625 3 0	2,975 10 0	7,857 7 5	1,435 4 6	35,416 12 7

APPENDICES TO PART III.

COURTS UNDER THE SUPERVISION OF THE COMMISSIONER OF THE ARAKAN DIVISION.

JUDICIAL STATEMENT No. 1 (CIVIL).

Statement showing the Number of Judicial Divisions and the Number of Officers exercising Appellate or Original Jurisdiction in the Hill District of Northern Arakan. on the last day of the year 1884, with the Cost of Tribunals.

Name of Province.			Area.	Population.	Number of divisions for Courts under Chief Court, but superior to Chief Courts of districts.	Number of districts.	Number of sub-districts.	TOTAL NUMBER OF OFFICERS EXERCISING ORIGINAL OR APPELLATE JURISDICTION.					TOTAL NUMBER OF CASES DECIDED.				Total receipts of the Courts.	Total charges of the Courts	Remarks.		
								Judges of Chief Courts of Province.	Judges of other Courts superior to Chief District Courts.	Judges of Chief Courts of districts.	Judges of District Courts other than Chief Courts	Judges of other subordinate Courts.	*Original.*		*Appeals.*						
													Regular.	Miscellaneous	Regular	Miscellaneous.					
1			2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18		
PROVINCE OF BRITISH BURMA	Territory subject to the High Court.	Civil ...	...	...	...	...	...	...	...	...	...	...		..	...	...	...	...	Grades of Judicial Officer	Europeans.	Natives.
		Criminal...	...	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...			
		Revenue ..	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	..	Officers exercising both original and appellate jurisdiction. — High Court Judges ...	1	...
	Territory not subject to the High Court.	Civil ...	1,015	14,499	...	1	...	...	1	1	...	...	124	4	1	...	..	23,084	District Judges ...	1	.
																			Additional Judges ...	..	...
																			Subordinate Judges...	.	..
		Crimmal. .	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	Officers exercising original jurisdiction only. — Small Cause Court Judges	...	.
		Revenue .	...	...	...	...	...	...	...	...	...	...	..	...	...	...	...	...	Munsiffs . ..	..	...
	Total ..		1,015	14,499	...	1	..	..	1	1	...	...	124	4	1	...	...	23,084			

JUDICIAL STATEMENT No. 7 (CIVIL).

Statement showing the Number and Description of Civil Suits instituted in the Civil Courts in the Hill District of Northern Arakan in the year 1884.

Class of Tribunals.	SUITS FOR MONEY OR MOVABLE PROPERTY.										SUITS UNDER THE RENT LAW.								TITLE AND OTHER SUITS.																			
	Contract in writing.	Contract not in writing.	On account stated.	Money had and received.	Goods sold.	Wages, work, and materials.	Rent not falling under the rent law.	Movable property or value thereof.	Damages.	Other suits for money or movables not already mentioned.	Arrears of rent with or without ejectment or cancelment of lease.	Enhancement or abatement of rent.	Relating to distraint.	Damages for extortion or withholding receipts, or on account of illegal restraint, or other cause.	For pottahs or kabulyats.	For ejectment or recovery of possession.	For recovery of money or accounts from agents.	All other suits under the rent law not included above.	Suits for immovable property.	Suits for declaratory decrees.	Other suits under the Specific Relief Act.	Suits to declare and establish rights to real property, including pre-emption, foreclosure, &c.	Suits to declare and establish personal rights.	Suits for an account.	Suits relating to religious endowments.	Suits to set aside judgments, contracts, or obligations on the ground of fraud.	Suits for dissolution of marriage.	Suits for enforcement of matrimonial rights.	Suits for partition.	Suits relating to shipping.	Suits relating to religion and caste.	Administration suits.	Interpleader suits.	Dissolution of partnership.	Suits under section 261, Act X of 1865 (also Hindu Wills Act).	Other suits not falling under any of the previous heads.	Grand Total.	Remarks.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39
COURTS IN THE INTERIOR.																																						
I.—Civil Courts.																																						
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Subdivisional Tribunals... ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of Districts.	...	...	...	...	...	2	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Court of Districts	...	...	...	62	28	2	...	6	4	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	3	3	...	...	...	1	...	...	...	12	124	
Total ...	...	...	...	62	28	2	...	6	4	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	3	3	...	...	...	1	...	...	...	12	124	
II.—Revenue Courts.																																						
Unpaid Local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																																						
Presidency Small Cause Courts ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total ...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL ...	...	...	...	62	28	2	...	6	4	...	...	...	...	...	...	...	...	...	3	...	...	...	...	...	...	...	3	3	...	...	...	1	...	...	...	12	124	

JUDICIAL STATEMENT No. 8 (CIVIL).

Statement showing Number and Value of Suits instituted in the Civil and Revenue Courts in the Hill District of Northern Arakan in the year 1884.

Value of Suits.	Number of Suits instituted in the different Courts.									Total value of suits.	Remarks.
	Not exceeding Rs. 10.	Not exceeding Rs. 50.	Not exceeding Rs. 100.	Not exceeding Rs. 500.	Not exceeding Rs. 1,000.	Not exceeding Rs. 5,000.	Not exceeding Rs. 10,000.	Exceeding Rs. 10,000	Number of suits the value of which cannot be estimated in money.		
1	2	3	4	5	6	7	8	9	10	11	12
COURTS IN THE INTERIOR.										Rs. A. P.	
I.—Civil Courts.											
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	
Paid Subdivisional Tribunals	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	...	...	..	...	...	32	50	17	20	...	1	...	...	4	9,665 12 9	
Total	...					32	50	17	20	...	1	.	..	4	9,665 12 9	
II.—Revenue Courts.											
Unpaid Local Tribunals	...	.	...	...	...	...	...	...	...	..	...	...	...	...	.....	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	
Collector's Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	
Total	...					...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.											
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	.....	
Total	...					...	...	...	...	...	...	...	.	...	.	
GRAND TOTAL	...					32	50	17	20	...	1	...	...	4	9,665 12 9	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Hill District of Northern Arakan in the year 1884.

PART I.—Civil Suits.

Class of Courts.	Total number of suits before the Courts.	Number of suits disposed of										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of suits.		Remarks
		Transferred to Courts in other provinces.	Without trial.	Without contest.				On reference to arbitration.		With contest.				Contested.	Uncontested	
				Compromised.	Decreed on confession.	Decreed *ex-parte*	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or in part.	Judgment for defendant.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17
COURTS IN THE INTERIOR.																
I.—Civil Courts.																
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Subdivisional Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of Districts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	...	126	...	10	10	40	10	2	...	...	39	13	2	...	11·13	6·77	
Total	...	126	...	10	10	40	10	2	...	...	39	13	2	...	11·13	6·77	
II.—Revenue Courts.																
Unpaid Local Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	126	...	10	10	40	10	2	...	...	39	13	2	...	11·13	6·77	

JUDICIAL STATEMENT No. 9 (CIVIL).

Statement showing the General Result of the Trial of Civil and Revenue Cases in the Courts of Original Jurisdiction in the Hill District of Northern Arakan in the year 1884.

PART II.—Miscellaneous Cases (Judicial).

Class of Courts.	Total number of cases before the Courts	Number of cases disposed of										Pending at the close of the year.	Number of cases pending more than three months at the close of the year.	Average duration of cases, contested and uncontested.	Remarks.
		Transferred to Courts in other provinces	Without trial	Without contest.				On reference to arbitration.		With contest.					
				Compromised.	Decreed on confession.	Decreed *ex-parte*.	Dismissed *ex-parte*.	For plaintiff.	For defendant.	Judgment for plaintiff in whole or part.	Judgment for defendant.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
COURTS IN THE INTERIOR.															
I.—Civil Courts.															
Unpaid Tribunals															
Village Courts															
Paid Subdivisional Tribunals															
Small Cause Courts															
District Courts other than Chief Courts of Districts															
Chief Courts of Districts	6		1								3	2		5·75	
Total	6		1								3	2		5·75	
II.—Revenue Courts.															
Unpaid Local Tribunals															
Other Subordinate Courts															
District Courts															
Total															
Courts at the Presidency or Seat of Government.															
Presidency Small Cause Courts															
Superior Courts															
Total															
GRAND TOTAL	6		1								3	2		5·75	

JUDICIAL STATEMENT No. 10 (CIVIL).

Statement showing the Business of the Civil and Revenue Appellate Courts in the Hill District of Northern Arakan in the year 1884.

PART I.—Appeals from Decrees.

Class of Courts	Total number of appeals before the Court	Transferred to Courts in other provinces.	Decisions confirmed, section 551, C. P. C.	Dismissed for default or otherwise not prosecuted.	HEARD EX-PARTE.				CONTESTED.				Pending	Of those pending more than three months.	Average duration of appeals.	Objections under sections 561, Act X of 1877	Remarks.
					Confirmed.	Modified	Reversed.	Remanded.	Confirmed	Modified.	Reversed	Remanded.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18
COURTS IN THE INTERIOR.																	
APPEALS FROM ORIGINAL DECREES																	
A.—Civil Courts																	
District Appellate Courts other than Chief Courts of Districts ...	...	...	...	...	..	...	...	...	...	...	...	...	..	...	.	...	
Chief Appellate Courts of Districts	...	1	...	.	...	...	...	...	...	...	...	1	...	...	22	...	For retrial in due form.
Superior Appellate Courts other than Chief Courts of Province	...	...	...	...	...	..	...	...	...	...	..	.	...	.	...		
Total	...	1	...	..	...	...	...	...	...	...	...	1	..	...	22	...	
B.—Revenue Courts																	
Collector's Appellate Courts . . ... -	...	..	...	...	...	...	...	...	...	...	...	...	...	.	..	..	
Courts at the Presidency or Seat of Government																	
Chief Court of Province { Appeals from original decrees ...	...	...	...	...	..	...	...	...	..	...	..	...	...	..	...	...	
Chief Court of Province { Appeals from appellate decrees	...	...	...	...	...	...	...	...	...	...	..	...		...	...	..	
Total	..	...	...	...	..	...	...	...	...	.	...	..	...	..	...	.	
GRAND TOTAL ...	...	1	...	...	...	...	..	..	...	...	...	1	...	...	22	.	

JUDICIAL STATEMENT No. 10, PART II.—*Blank.*

JUDICIAL STATEMENT No. 11 (CIVIL).

Statement showing the Result of Proceedings on Applications for the Execution of the Decrees of the Civil and Revenue Courts in the Hill District of Northern Arakan in the year 1884.

Class of Courts.	Total number of applications for the execution of decree before the Courts.	APPLICATIONS DISPOSED OF				Pending at the end of the year.	Number of applications pending more than three months at the close of the year.	AMOUNT REALIZED		NUMBER OF APPLICATIONS.												Remarks.
		By transfer.	Satisfaction obtained in full.	Satisfaction obtained in part.	Wholly infructuous.			With the issue of process.	Without the issue of process.	On which the judgment-debtor was imprisoned.	On which he was arrested, but released without imprisonment.	ON WHICH MOVABLE PROPERTY		ON WHICH IMMOVABLE PROPERTY			ON WHICH POSSESSION WAS GIVEN		On which specific performance was enforced.	On which partition was effected.	On which execution was effected otherwise than the preceding columns.	
												Was sold.	Was attached, but subsequently released.	Was sold.	Was dealt with under sections 305, 332, or 336, Act X of 1877.	Was attached, but subsequently released under section 275.	Of movables.	Of immovables.				
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23
COURTS IN THE INTERIOR.									Rs. A. P.													
I.—Civil Courts.																						
Unpaid Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Village Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Paid Subdivisional Tribunals	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts other than Chief Courts of Districts.		...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Chief Courts of Districts	...	24	...	19	5	...	...	...	314 4 0	...	4	5	15	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	24	...	19	5	...	...	...	314 4 0	...	4	5	15	...	...	...	...	...	...	...	...	
II.—Revenue Courts.																						
Unpaid Local Tribunal	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Other Subordinate Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
District Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Courts at the Presidency or Seat of Government.																						
Presidency Small Cause Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Superior Courts	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
Total	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	...	
GRAND TOTAL	...	24	...	19	5	...	...	...	314 4 0	...	4	5	15	...	...	...	...	...	...	...	...	

JUDICIAL STATEMENTS NOS. 12 AND 13.—*Blank.*

Statement showing the Total Value in Litigation and Costs for all Classes of Civil Cases, including Execution of Decrees and other Miscellaneous Applications, disposed of in the different Classes of Courts in the District of Arakan Hill Tracts, during the year 1884.

Name of District or Court.	ORIGINAL.									APPEAL.								EXECUTION OF DECREES.								MISCELLANEOUS.								
			Costs of cases.									Costs of cases.									Costs of Cases.								Costs of Cases.							
	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Percentage of column 9 to column 3.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Total number of cases.	Total value of cases.	Total amount of court fees, including process fees.	Total amount of process fees.	Total amount of diet-money paid to witnesses.	Total amount of Advocates' fees.	Total amount of fees for commissions and other miscellaneous charges.	Total.	Remarks.
1	2	3	4	5	6	7	8	9	9a	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34
		Rs. A. P.					Rs. A. P.	Rs. A. P.											Rs A. P.								Rs. A. P.							
Arakan Hill Tracts ...	124	9,276 14 9	...	...	...	..	23 8 0	23 8 0	2	...	...	...	...	...	...	...	..	24	1,774 15 11	...	...	...	...	...	..	4	49 0 0	...	...	...	...	.	...	...
Total ...	124	9,276 14 9	...	...	...	...	23 8 0	23 8 0	2	...	...	..	...	...	...	...	...	24	1,774 15 11	...	...	...	...	...	...	4	49 0 0	..	...	...	...	.	...	.